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# ILLI REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
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Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
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June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).







## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Rural Diversification Program

2) Code Citation: 14 Ill. Adm. Code 640

3) Section Numbers: Proposed Action:

640.10	New Section
640.20	New Section
640.30	New Section
640.40	New Section
640.50	New Section
640.60	New Section
640.70	New Section
640.80	New Section
640.90	New Section
640.100	New Section
640.110	New Section
640.120	New Section
640.130	New Section
640.140	New Section
640.150	New Section
640.160	New Section
640.170	New Section
640.180	New Section
640.190	New Section
640.200	New Section
640.210	New Section
640.220	New Section
640.230	New Section
640.240	New Section
640.250	New Section
640.260	New Section
640.270	New Section
640.280	New Section
640.290	New Section
640.300	New Section
640.310	New Section
640.320	New Section
640.330	New Section
640.340	New Section
640.350	New Section

4) Statutory Authority: Implementing and authorized by the Rural Diversification Act (Ill. Rev. Stat. 1989, ch. 5, pars. 2251 et seq.).

5) A Complete Description of the Subjects and Issues Involved: Through the Rural Diversification Program, the Department of Commerce and Community Affairs (the Department) will provide direct loans at market or below market rate interest to rural businesses or agribusinesses (in accordance with Subpart A) and provide research and technical

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED RULES

assistance grants to local governments, or other nonprofits (in accordance with Subpart B) for the purpose of rural economic diversification and the creation and retention of jobs. These rules detail provisions which govern the Department's administration of the program. Specifically, both subparts provide information regarding program purpose, eligible applicants, fund availability, submission deadlines, application packages, review of applications, funding limitations, required applicant certifications, selection for financing, administrative requirements, and audits. Additionally, the loan program rules address eligible projects, eligible uses of loans, the loan agreement, loan terms, loan security, maintenance and insurance of property, and events of default. The grant program rules also address eligible program activities and program costs; waivers; and modification, breach and termination of grants.

6) Will these proposed rules replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed rules contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. John D. Taylor, Deputy Director  
Department of Commerce and Community Affairs  
Bureau of Program Administration  
620 East Adams Street, 5th Floor  
Springfield, Illinois 62701  
(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 14, 1990.

B) Types of small businesses and small municipalities affected: Any rural business, including a small business, which is engaged in manufacturing, mining, agriculture, wholesale, transportation,



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tourism, or utilities or in research and development or services to these basic industrial sectors can apply for financing under this program. Any agribusiness, including a small business, operating a facility for the processing of agricultural commodities or a facility for the manufacturing, production or construction of agricultural implements, supplies, equipment or structures or any other facilities or processes used in agricultural production may also apply for financing under this program.

Any eligible size municipality, or a nonprofit organization serving an eligible area can seek financial assistance for rural diversification projects.

- C) Reporting, bookkeeping or other procedures required for compliance: Loan recipients must provide, at least annually, reports regarding project impact, job creation/retention and company financial statements and they must comply with the loan requirements detailed in Subpart A. Grant recipients must submit, at least semi-annually, during the period of the grant agreement, reports on the financial status of the project and narrative reports on the activities and achievements of objectives and results. All recipients are responsible for having an annual audit of their records and must comply with the administrative requirements specified in this Part.

- D) Types of professional skills necessary for compliance: Planning and accounting staff of the recipient should be able to coordinate compliance with the requirements described above in (C).

The full text of the Proposed Rules begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 640  
RURAL DIVERSIFICATION ACT PROGRAM

## SUBPART A: RURAL DIVERSIFICATION LOAN PROGRAM

Section	Purpose of Loan Program
640.10	Definitions
640.20	Eligible Projects
640.30	Eligible Applicants
640.40	Eligible Uses of Loan
640.50	Fund Availability and Submission Deadlines
640.60	Loan Application Package
640.70	Committee Review of Loan Applications
640.80	Department Technical Review
640.90	Selection for Financing
640.100	Loan Funding Limitations
640.110	Allowable Leverage
640.120	Applicant Certifications
640.130	Loan Terms
640.140	Loan Agreement
640.150	Loan Security
640.160	Maintenance and Insurance of Property
640.170	Administrative Requirements
640.180	Audits
640.190	Events of Default
640.200	

## SUBPART B: RURAL DIVERSIFICATION GRANT PROGRAM

640.210	Purpose of Grant Program
640.220	Definitions
640.230	Eligible Applicants
640.240	Eligible Program Activities
640.250	Eligible Program Costs
640.260	Fund Availability and Submission Deadlines
640.270	Grant Application Package
640.280	Review of Grant Applications
640.290	Rural Diversification Review Committee
640.300	Selection for Financing
640.310	Grant Limitations
640.320	Waivers
640.330	Applicant Certifications
640.340	Administrative Standards for Grant Recipients
640.350	Modification, Breach and Termination of Grants



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## NOTICE OF PROPOSED RULES

AUTHORITY: Implementing and authorized by the Rural Diversification Act (Ill. Rev. Stat. 1989, ch. 5, pars. 2251 et seq.).

SOURCE: Adopted at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

## SUBPART A: RURAL DIVERSIFICATION LOAN PROGRAM

## Section 640.10 Purpose of Loan Program

Through the Rural Diversification Loan Program, the Department of Commerce and Community Affairs will provide direct loans at market or below market rate interest to rural businesses or agribusinesses for the purpose of rural economic diversification, and the creation and retention of jobs.

## Section 640.20 Definitions

Act - The Rural Diversification Act (Ill. Rev. Stat. 1989, ch. 5, pars. 2251 et seq.).

Application - A request for program funds, including the required statistical and narrative information and attachments.

Department - The Illinois Department of Commerce and Community Affairs.

Financing - Direct loans at market or below market rate interest provided to or on behalf of rural businesses or agribusinesses for purposes of rural diversification.

Program - The Rural Diversification Loan Program.

Recipient - Any eligible applicant receiving funds under this program.

## Section 640.30 Eligible Projects

Loan proceeds shall be used to support rural diversification projects or agricultural diversification projects.

a) "RURAL DIVERSIFICATION PROJECT" means A SPECIFIC ACTIVITY UNDERTAKEN TO PROMOTE:

- 1) THE IMPROVEMENT AND EXPANSION OF BUSINESS AND INDUSTRY IN RURAL AREAS;
- 2) CREATION OF ENTREPRENEURIAL AND SELF-EMPLOYMENT BUSINESSES;

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3) INDUSTRY OR REGION WIDE RESEARCH DIRECTED TO PROFIT ORIENTED USES OF RURAL RESOURCES, AND

4) VALUE ADDED AGRICULTURAL SUPPLY, PRODUCTION PROCESSING OR REPROCESSING FACILITIES OR OPERATIONS AND SHALL INCLUDE BUT NOT BE LIMITED TO AGRICULTURAL DIVERSIFICATION PROJECTS (Section 3(d) of the Act).

b) "AGRICULTURAL DIVERSIFICATION PROJECT" means A SPECIFIC ACTIVITY UNDERTAKEN TO PROMOTE DIVERSIFICATION OF THE FARM ECONOMY OF THIS STATE THROUGH

1) PROFIT ORIENTED NONPRODUCTION USES OF ILLINOIS LAND RESOURCES;

2) GROWTH AND DEVELOPMENT OF NEW CROPS OR LIVESTOCK NOT CUSTOMARILY GROWN OR PRODUCED IN THIS STATE; "NEW CROPS OR LIVESTOCK NOT CUSTOMARILY GROWN OR PRODUCED IN THIS STATE" DOES NOT INCLUDE CORN, SOYBEANS, WHEAT, SWINE, OR BEEF OR DAIRY CATTLE; OR

3) DEVELOPMENTS WHICH EMPHASIZE A VERTICAL INTEGRATION OF GRAIN OR LIVESTOCK PRODUCED OR RAISED IN THIS STATE INTO A FINISHED PRODUCT FOR CONSUMPTION OR USE. "VERTICAL INTEGRATION OF GRAIN OR LIVESTOCK PRODUCED OR RAISED IN THIS STATE" INCLUDES ANY NEW OR EXISTING GRAIN OR LIVESTOCK GROWN OR PRODUCED IN THIS STATE (Section 3(f) of the Act).

## Section 640.40 Eligible Applicants

Any Rural Business or Agribusiness operating in Illinois may make application for financial assistance under the Rural Diversification Loan program. Personal service businesses are not eligible to receive funding.

a) AGRIBUSINESS - ANY SOLE PROPRIETORSHIP, LIMITED PARTNERSHIP, CO-PARTNERSHIP, JOINT VENTURE, CORPORATION, OR COOPERATIVE WHICH OPERATES OR WILL OPERATE A FACILITY LOCATED WITHIN THE STATE OF ILLINOIS THAT IS RELATED TO THE:

- 1) PROCESSING OF AGRICULTURAL COMMODITIES OR
- 2) THE MANUFACTURING, PRODUCTION OR CONSTRUCTION OF AGRICULTURAL BUILDINGS, STRUCTURES, EQUIPMENT IMPLEMENTS OR SUPPLIES, OR ANY OTHER FACILITIES OR PROCESSES USED IN AGRICULTURAL PRODUCTION (Section 2(i) of the Illinois Farm Development Act (Ill. Rev. Stat. 1989, ch. 5, par. 1202).

b) RURAL BUSINESS - ANY COOPERATIVE, PROPRIETORSHIP, PARTNERSHIP, CORPORATION, OR OTHER ENTITY:



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- 1) ENGAGED IN MANUFACTURING, MINING, AGRICULTURE, WHOLESAL, TRANSPORTATION, TOURISM, OR UTILITIES OR IN RESEARCH AND DEVELOPMENT OR SERVICES TO THESE BASIC INDUSTRIAL SECTORS AND;

- 2) Is located or will be located in an incorporated area of 20,000 population or less, but not in contiguous incorporated areas (cities, towns or villages) with a combined population greater than 20,000 or in an unincorporated area, of any county with a population of less than 350,000.

## Section 640.50 Eligible Uses of Loan

FINANCING TO OR ON BEHALF OF RURAL BUSINESSES OR AGRIBUSINESSES IN THE STATE SHALL BE FOR THE PURPOSE OF ASSISTING IN THE COST OF AGRICULTURAL OR RURAL DIVERSIFICATION PROJECTS INCLUDING COSTS OF:

- a) ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, REPAIR, REHABILITATION, ALTERATION, EXPANSION OR EXTENSION OF REAL PROPERTY, BUILDINGS OR MACHINERY AND EQUIPMENT BUT NOT THE ACQUISITION OF UNIMPROVED LAND FOR THE PRODUCTION OF CROPS OR LIVESTOCK;
- b) WORKING CAPITAL ITEMS INCLUDING, BUT NOT LIMITED TO, INVENTORY, ACCOUNTS RECEIVABLE, AND PREPAID EXPENSES (but not debt refinancing or contingency funding;)
- c) ORGANIZATIONAL EXPENSES INCLUDING, BUT NOT LIMITED TO, ARCHITECTURAL AND ENGINEERING COSTS, LEGAL SERVICES, MARKETING ANALYSES, PRODUCTION ANALYSES, OR OTHER PROFESSIONAL SERVICES;
- d) NEEDED LEASEHOLD IMPROVEMENTS, EASEMENTS, AND OTHER AMENITIES REQUIRED TO PREPARE A SITE (Section 5(a) of the Act).

## Section 640.60 Fund Availability and Submission Deadlines

- a) Availability of funding will be published in the State recognized newspaper. Upon request, the Department will supply applicants with an application package.
- b) Applications for funding under the Rural Diversification Loan Program will be accepted on a regular basis as long as funding is available.

## Section 640.70 Loan Application Package

Applications for loans must include the following documentation as appropriate:

- a) Agricultural or Rural Diversification Project Description - A summary description of the project including a description of what the company plans to do with the proceeds of the loan.
- b) Need for Funds - A statement and proof (justification) of a need for state supported low-interest, long term funds AS EVIDENCED BY RATE OF RETURN, INADEQUATE PRIVATE MARKET FINANCING, INABILITY TO ACQUIRE FINANCING FROM OTHER STATE AUTHORITIES OR AGENCIES, INTERSTATE COMPETITION OF FACILITIES, OR OTHER SIMILAR EVIDENCE OF ESSENTIAL NEED FOR PUBLIC FINANCING (Section 6(b)(i) of the Act).
- c) Project Impact and Employment Projections - A statement documenting AN INCREASE OR POTENTIAL INCREASE IN TAXES OR EMPLOYMENT, A POTENTIAL TO RETAIN EXISTING JOBS, OR A POTENTIAL IMPROVEMENT IN THE DIVERSIFICATION OF THE RURAL ECONOMY OR JOB MARKET IN RELATION TO THE FINANCING REQUESTED (Section 6(b)(iii) of the Act).
- d) Company History - A brief history of the applicant, past employment growth, and other facts detailing the past and present condition and structure of the company, as well as identification of the common name of the company if different from the legal name.
  - 1) Subsidiaries and Parents - Name and identification of the relationship to parent companies, subsidiaries, or affiliates.
  - 2) Articles of Incorporation - Copy of the articles of incorporation and bylaws or partnership agreement as appropriate.
- e) Market Information and Future Market Prospects - A description of the primary business of the company, types of products and services offered, information on the applicant's present and future market prospects, and identification of existing and potential major customers and competitors.
- f) Management Qualifications -- A listing of those people who are responsible for the management of the applicant firm, their positions, and percentage of ownership;
  - 1) Personal resumes for senior staff at the proposed project site; and
  - 2) Personal financial statement(s) for each principal owning more than 20 percent of the applicant firm.



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- g) Actual and Pro forma Financial Statements - Financial statements must be submitted by the applicant as follows, unless the firm is a start up operation. Audited financial statements are preferred; prepared statements are the minimum which is acceptable. Financial statements shall include:

- 1) Historical corporate financial statements for the past three years, including profit and loss statements, balance sheets, and disclosure of contingent liabilities;
- 2) Interim financial statements (profit and loss statements and balance sheets) dated not more than ninety days prior to application; and
- 3) Three year projections of the profit and loss statement and balance sheet and a monthly cash flow projection for the first year.

- h) Site Map - An outline of the general location of the project on a site map, including the location of any floodplain areas.

- i) Uses of Funds Statement - As appropriate;

- 1) Land and Building Information - If funds are to be used for land and/or building acquisition, an appraisal and a copy of the purchase option or agreement; for building construction or renovation, a contractor or architect's cost estimates.

- 2) Description of Machinery and Equipment - If major equipment or classes of equipment are to be acquired with the Department's program funds, identification of the equipment; if for acquisition of new machinery and equipment, reliable vendor cost estimates; for moving and installation costs to be incurred, attachments of written estimates; if for used machinery and equipment acquisition, an appraisal demonstrating that the fair market value is in line with the purchase price.

- 3) Description of Working Capital - A detailed explanation of the need for and use of funds; for acquisition of new inventory, written estimates of cost must be provided from the vendor.

- j) Letters of Commitment - Commitment letters documenting all sources of leveraging; loans from financial institutions must have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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- k) Project Implementation Schedule - A list of the timelines for major project milestones and/or activities including the start date and end date of each activity.

## Section 640.80 Committee Review of Loan Applications

- a) CONFIDENTIALITY - ANY DOCUMENT, MATERIALS OR DATA MADE OR RECEIVED BY ANY MEMBER, AGENT, OR EMPLOYEE OF THE DEPARTMENT, TO THE EXTENT THAT SUCH MATERIAL OR DATA CONSIST OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION REGARDING THE OPERATION OF ANY BUSINESS CONDUCTED BY A BENEFICIARY OR RECIPIENT OF ANY FORM OF ASSISTANCE WHICH THE DEPARTMENT IS EMPOWERED TO RENDER UNDER THIS ACT, OR REGARDING THE COMPETITIVE POSITION OF SUCH ENTITY IN A PARTICULAR FIELD OF ENDEAVOR, IS CONFIDENTIAL AND SHALL NOT BE DEEMED PUBLIC RECORDS, PROVIDED THAT INFORMATION RELATING TO THE OWNERSHIP OF SUCH RECIPIENT OR BENEFICIARY IS NOT TO BE EXEMPT UNDER THIS SECTION FROM PUBLIC DISCLOSURE REQUIREMENTS (Section 9 of the Act).

- b) Application Screening - The Department shall screen all loan applications to determine that all requirements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given the opportunity to correct such deficiencies through resubmission. Complete applications will be reviewed and evaluated by Department staff and review committee. The review and evaluation process will be completed within forty-five (45) working days after the receipt of application.

- c) THE DEPARTMENT SHALL ESTABLISH AN INTERNAL REVIEW COMMITTEE WITH THE DIRECTOR OF THE RURAL AFFAIRS COUNCIL, OR HIS DESIGNEE, THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, OR HIS DESIGNEE, AND THE DIRECTOR OF THE ILLINOIS FARM DEVELOPMENT AUTHORITY, OR HIS DESIGNEE, AS MEMBERS TO ASSIST IN THE REVIEW OF ALL PROJECT APPLICATIONS (Section 5(c) of the Act).

- d) At the discretion of the Department, the "Internal Review Committee" will meet to review applications and recommend applications for Department loan consideration. The Committee's determination shall be based upon analysis of the operating history of the applicant, the project's readiness and additional similar information as determined by the Committee in accordance with subsections (e) and (f) of this Section.

- e) The applicant must demonstrate a meaningful operating history through documentation including:

- 1) Company history - history of company growth through the analysis of facts provided by the applicant detailing the



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company's past and present condition and structure;

- 2) Market information - information provided by the applicant detailing the existence of company's present and future market prospects and existing and potential customers;
- 3) Management qualifications - the background and experience of those in management and at least 20% ownership positions of the applicant company at the project site to determine qualification to administer the project.

f) The applicant must demonstrate project readiness through documentation, including:

- 1) Lender Commitments - identifying loan and investment commitments from all lenders and investors on letterhead, signed and dated;
- 2) Time Schedule - a written time schedule for immediate project initiation; and
- 3) Cost Estimates - firm, written cost estimates from architects, contractors or suppliers which support project costs.

## Section 640.90 Department Technical Review

Each application will be reviewed by the Department to assure compliance with the technical program requirements as specified in subsections (a) through (d) of this Section.

- a) Loan Project Type - The application will be evaluated to assure that:
  - 1) the loan project meets the requirements for a Rural Diversification Project or an Agricultural Diversification Project as defined in Section 640.30 of this Part;
  - 2) the entity meets the conditions outlined as an eligible loan applicant as contained in Section 640.40 of this Part;
  - 3) that the rural business or agribusiness costs being funded are allowable expenses as defined in Section 640.50 of this Part; and
  - 4) that applicant certifications in accordance with Section 640.130 of this Part have been signed.
- b) Evidence of Need for Loan Program Funding - The applicant must

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show THE ESSENTIAL NEED WHICH MUST BE DOCUMENTED FOR AGRICULTURAL OR RURAL DIVERSIFICATION FINANCING AS EVIDENCED BY (Section 6(b)(i) of the Act):

- 1) the project's INABILITY TO ACQUIRE FINANCING FROM OTHER STATE AUTHORITIES OR AGENCIES (Section 6(b)(i) of the Act) with proof, such as a denial letter, failure to respond in a timely manner, identification of the project's ineligibility for other public programs or other evidence that other state and federal program funding has been considered;
- 2) calculation showing the RATE OF RETURN is below the average return on investment for the company or industry, or similar evidence showing Department participation is needed at an interest rate and term which makes the project viable;
- 3) compelling economic benefit to the state for the business project because of INTERSTATE COMPETITION FOR FACILITIES (Section 6(b)(i) of the Act); or
- 4) lender documentation that capital is not available to complete the project.

c) Leverage Financing - The rural business or agribusiness must:

- 1) PROVIDE A MINIMUM OF FIFTEEN (15) PERCENT OF THE EQUITY IN THE PROJECT (Section 7(c) of the Act);
- 2) Show evidence that the loan will be leveraged with other funds such that PROGRAM FINANCING COVERS NO MORE THAN 25 PERCENT OF THE TOTAL COSTS OF THE DIVERSIFICATION PROJECT UNLESS THE DIRECTOR OF THE DEPARTMENT WAIVES THE 25 PERCENT LIMITATION (Section 7(c) of the Act) in accordance with Section 640.110.

d) Financial Statements - The applicant's financial statements, including annual balance sheets and profit and loss statements for the past three years as well as an interim statement not more than ninety (90) days old; actual and pro forma income statements; a three year projected balance sheet and profit and loss statement as well as a one year monthly cash flow statement will be reviewed through a standard credit analysis. This credit analysis will determine the financial viability of the business as compared to similar data for the industry using the 1988 "RMA Annual Statement Studies" (published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178) if such commerce or industry is evaluated by this source. The application must:



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- 1) Demonstrate liquidity and debt coverage for the project showing that balance sheet indicators support the project size; the days receivable, days payable, and inventory are within a normative range; and that working capital is positive.
- 2) Address quality of debt and debt management showing the debt to equity ratio is within the industry's normative range, that short-term and long-term sources and uses of funds are matched; and that contingent liabilities with parent companies, subsidiaries, partners, and other related parties will not have a material adverse effect on loan repayments.
- 3) Reflect positive and stable sales growth, profit margins, operating margins, and overhead, and show other positive, supportive trends and projections.
- 4) Show projected market prospects and earnings report that demonstrate a consistency between past performance, assumptions, and projected performance.
- 5) DEMONSTRATE A POSITIVE CASH FLOW AS EVIDENCED BY A NET INCOME BEFORE TAXES OF FIVE (5) PERCENT OF THE GROSS INCOME OF THE RURAL BUSINESS OR AGRIBUSINESS BASED ON ACTUAL OR PROJECTED INCOME AND EXPENSES (Section 7(c) of the Act);

Section 640.100 Selection for Financing

Applicants that best meet the objectives of the Act through satisfaction of the evaluation criteria of Sections 640.80 and 640.90 will be funded until all available loan financing is expended. The amount of loan financing made available by the Department will be based upon the extent to which the applicant provides evidence of economic benefit to the community. Economic benefit evidence includes:

- a) evidence the loan project will diversify or increase the structure of the local economy WITH DOCUMENTATION OF AN INCREASE OR POTENTIAL INCREASE IN EMPLOYMENT (Section 6(b)(iii) of the Act);
- b) identification of the amount and DOCUMENTATION OF AN INCREASE OR POTENTIAL INCREASE IN TAXES (Section 6(b)(iii) of the Act) with the types and amounts of increased state or local taxes expected to be generated in relation to funds used;
- c) evidence that the loan project will create additional personal income for the community THROUGH A POTENTIAL IMPROVEMENT IN THE DIVERSIFICATION OF THE RURAL ECONOMY (Section 6(b)(iii) of the

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Act) for example, the project adds new types of industries to the local economy, the projects' goods and/or services to be produced are to be sold outside the community or the final goods and/or services are to be produced and sold locally to substitute for those goods and/or services from outside the state; or

- d) A POTENTIAL TO RETAIN EXISTING JOBS (Section 6(b)(iii) of the Act), with a written assurance from the rural business or agribusiness which identifies the number of, the occupational type, and wage level of jobs to be created/retained in relation to funds used.

Section 640.110 Loan Funding Limitations

In accordance with Section 7(c) of the Act, a waiver of limitations on the percentage of leverage in accordance with Section 640.90 (c)(2) of this Part will be allowable when it is determined that this funding limitation would prohibit an otherwise approved project, and subsequent rural diversification from occurring if the applicant demonstrates severe need, including but not limited to:

- a) Distressed community or county with an unemployment rate which is 25 percent higher than the state average, or a per capita income which is less than the state average;
- b) Area with limited economic development as evidenced by absence of development activities within the last two years or as evidenced by new job growth rate less than the state or national average;
- c) Funding would support business which has provided assurance that the project will generate business growth and job creation in the community as a result of spinoff businesses, and thus evidence that the additional jobs will be created or retained;
- d) Funding is needed to avert loss of a major employment source (more than 100 jobs or 2 percent of the local employment base) in the community;
- e) Jobs to be created or retained offer wages substantially higher than the prevailing wage in the industry as determined by the Illinois Department of Labor pursuant to (Ill. Rev. Stat. 1989, ch. 48, pars. 39sl-s12) and Section 6-3 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.6-3) or an annual wage higher than the state's median income as completed by the Department's Division of Research and Analysis, 620 E. Adams St., Springfield, Illinois 62701, (217) 782-1438.

Section 640.120 Allowable Leverage



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- a) Each rural business receiving funds under the program must leverage financial resources for the project over and above Department funding. Owner equity or other private sector equity shall be a significant part of the project. Sources other than public funds shall serve as the primary sources of financing for the project.
- b) In calculating the Department's share, allowable leverage by the applicant may include such tangible contributions as:
  - 1) Cash expended by the applicant (during the period of the project) derived from any source other than the department including expenditure of retained earnings, use of owner equity, or use of proceeds of debt of the applicant, and used on project eligible expenses;
  - 2) The purchase price of project related machinery and equipment leased by the company (for or after the start of the project) provided the company shall own, or may purchase for a nominal fee, the asset at the end of the lease;
  - 3) The unutilized portion of buildings which are made a part of the project whose value shall be determined by taking the depreciated cost of the area used exclusively on the project (thus excluding common areas);
  - 4) Previously purchased but unutilized machinery and equipment at book value provided it has not been in productive use in the past year but will be placed in productive use for the benefit of the project; and
  - 5) Project related machinery and equipment brought into the state from another state, country or territory (provided the first productive use in Illinois occurs after the Department's letter of commitment).
- c) All contributions of cash, real property or machinery and equipment must meet each of the following criteria:
  - 1) are verifiable from the applicant's records;
  - 2) are utilized (if real property) or expended (if cash) after the Department's commitment during the period of the project;
  - 3) are necessary and reasonable for the accomplishment of the project.

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- d) The following items are not allowable leverage:
  - 1) Cash expended prior to the date of the Department's loan commitment letter;
  - 2) Existing in-state land, building, furnishings, inventory or supplies already owned and productively utilized;
  - 3) Actual or donated operational and general overhead expenses (e.g., salaries, utilities, rent, supplies) incurred before, during or after the project is completed; and
  - 4) Debt-refinancing, lines of credit or other unexpended available funds.

## Section 640.130 Applicant Certifications

Each loan applicant for program financing will be required to satisfy the following certifications:

- a) Farmland Preservation (if applicable) - Certification that the proposed project is compatible with established state policy regarding farmland preservation pursuant to the Farmland Preservation Act (Ill. Rev. Stat. 1989, ch. 5, pars. 1301 et seq.).
- b) Floodplain - Certification that the proposed project will comply with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq. (1984) and Executive Order 79-4, effective June 1, 1979, which requires special environmental procedures if any activities will be carried out in a flood hazard area.
- c) Nondiscrimination - Certification that the recipient shall comply with all applicable laws and regulations which prohibit discrimination on the basis of race, sex, religion, national origin, age or handicaps, including but not limited to the Illinois Human Rights Act, (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et seq.), and the Equal Employment Opportunity Clause promulgated pursuant thereto.
- d) Student Loan - Where the recipient is an individual, the recipient certifies that he/she is not in default on an educational loan as provided in Section 3 of the Educational Loans Act (Ill. Rev. Stat. 1989, ch. 127, par. 3553).
- e) Historic Preservation - Recipient certifies that this project does not involve the destruction, alteration, renovation, transfer or sale, or utilization, of an historic property, structure or structures, or the introduction of visual, audible



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or atmospheric elements to an historic property, structure or structures, and will, therefore, not result in any changes in the character of use of any historic property, in accordance with the State Agency Historic Resources Preservation Act (Ill. Rev. Stat. 1989, ch. 127, pars. 133c21 et seq.).

- f) Bribery Certification - That neither the applicant nor the applicant's employees have been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois nor has there been an admission of guilt of such conduct which is a matter of public record pursuant to Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.10-1).

- g) Interest of Public Officials - Recipient certifies that it is in compliance with the provisions of Section 11.4 of the Illinois Purchasing Act prohibiting conflict of interest (Ill. Rev. Stat., 1989, ch. 127, pars. 132.11-4).

- h) Bidding on State Contracts - Applicant certifies that it has not been barred from bidding on or entering into State contracts as a result of a violation of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, pars. 33E-3 and 33E-4).

## Section 640.140 Loan Terms

- a) Financing shall be made available to the borrower in periodic allotments as determined by the fund balance position of appropriated funds available to the Department for this program in comparison to the cash needs if all recipients.

- b) Financing awarded by the Department is subject to the following conditions:

- 1) THE REPAYMENT PERIOD SHALL NOT EXCEED 10 YEARS (Section 7(b) of the Act);
- 2) FINANCIAL ASSISTANCE FOR ANY ONE PROJECT SHALL NOT EXCEED \$200,000 (Section 7(c) of the Act).

- c) Loans for real estate will be amortized over a period of up to 10 years; loans primarily utilized for machinery and equipment will generally vary from 7 to 10 years. Loans primarily intended for short term working capital needs will normally extend for 3 to 5 years.

- d) Working capital loans may require personal guarantees from all individuals owning or controlling 20 percent or more of the applicant company. For small companies without major

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identifiable principals (e.g., no one owns 20 percent or more of the company), the amount of the loan is limited to 80 percent of the value of the fixed asset securing the loan. The Department shall be authorized to require personal guarantees for asset-based loans not secured by a lien on the fixed asset. The Department shall require personal guarantees in any loan transaction in which the loan to asset collateral ratio is less than one to one.

- e) Monthly installments shall be due and payable to the Department at a time specified in the loan agreement.

## Section 640.150 Loan Agreement

A loan agreement will be developed for each business borrower that receives loan funds. The loan agreement will contain, at a minimum, the following items:

- a) Definition Section -- Defining the key terms used in the agreement.
- b) Loan Conditions -- Including statements relating to representations and warranties, evidence of other financing, note, collateral, corporate or partnership document, and legal matters.
- c) Borrower Representations and Warranties -- Concerning form of ownership, authorization of agreement, binding effect, accuracy of application, collateral, accuracy of financial statements, absence of loan defaults, absence of litigation, absence of tax delinquencies, and possession of appropriate licenses and permits.
- d) Covenants and Continuing Agreements -- To expend public funds in accordance with approved budget, keep detailed project records, furnish proof that its corporate or partnership existence is in full effect, pay all applicable taxes and required insurance, prohibit loans to officers/directors/stockholders, and comply with all applicable state and federal laws.
- e) Default Provisions -- Listing the conditions under which the borrower would be in default of the agreement.
- f) Use of Loan Proceeds -- Briefly describing the business project for which the loan is being made and the exact use of loan funds;
- g) Financing of Borrower -- Information on primary lender, the amount of the lender's loan, terms of this loan, etc., as well as information and schedule of expected payout of the Department's



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loan commitment to the borrower.

- h) Labor Compliance Requirements -- As appropriate, including equal opportunity employment, minimum wage, and other state or federal labor standards.
- i) Other -- Such other terms and conditions necessary to secure or document the loan, including, but not limited to: key man life insurance, liens, and Uniform Commercial Code (U.C.C.) (Ill. Rev. Stat. 1989, ch. 26, pars. 1-101 et seq.) filings.

## Section 640.160 Loan Security

Financial assistance shall be secured by first, second, or third mortgage positions on real or personal property, by royalty payments, by personal notes or guarantees, or by any other security satisfactory to the department to secure repayment, if required, by the financial assistance agreement. Security for Department loans shall include but is not limited to any or all of the following:

- a) First or second lien security interest in favor of the Department on all personal property of the borrower.
- b) First or second position real estate mortgage in favor of the Department on real estate of the borrower.
- c) Personal guarantees and/or corporate guarantees in the amount of the loan.
- d) Irrevocable letter of credit.
- e) First or second security interest in negotiable securities of the borrower or business principle owners.

## Section 640.170 Maintenance and Insurance of Property

- a) The recipient shall at all times maintain the property provided as security for the loan in such condition and repair as a reasonably prudent person would who held title to the property.
- b) The recipients shall maintain, during the term of the loan, fire and hazard insurance policies, covering the amount of the loan with a loss payee clause in favor of the Department.
- c) The recipient shall, if at any time during the life of the loan the recipient's property is declared to be within a flood hazard area, purchase federal flood insurance if available in an amount equal to the amount of the loan.

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- d) The recipient shall maintain liability and workers' compensation insurance.
- e) The recipient shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency which may, in any manner, affect the chattel, personal property or real estate securing the loan.

## Section 640.180 Administrative Requirements

- a) Financial Management - The loan recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (September 19, 1987) to maintain control and accountability over the loan funds.
- b) Reporting - The loan recipient shall provide, at least annually, information and reports on project impact, job creation/retention, and company financial statements.
- c) Department Monitoring and Evaluation - Loan recipients shall permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to:
  - 1) inspect, examine or audit any documents, papers, and records involving transactions related to a loan from the Department, including making copies thereof, and
  - 2) inspect or appraise any of the loan recipient's business assets.
- d) Authorizations - The loan recipient shall, upon written request by the Department issue any necessary authorization to the appropriate Federal, State or local authority or private person or entity for the release of information concerning a business or project financed under the provisions of this program, with the information requested to include, but not be limited to, financial reports, returns, or records relating to that business or project.

## Section 640.190 Audits

- a) It shall be the loan recipient's responsibility to secure any compliance audit of the use of loan proceeds. Such audit must be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act (Ill. Rev. Stat. 1989, ch. 111, pars. 5500 et seq.). The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA



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- b) The Department reserves the right to conduct special audits of funds expended under Department loans, at any time during normal working hours.

## Section 640.200 Events of Default

a) The entire unpaid principal of the loan, and the interest then accrued thereon, shall become due and be immediately due and payable upon the written demand of the Department, without any other notice or demand of any kind or any presentment of protest, if any one of the following events (hereafter an "event of default") shall occur and be continuing at the time of such demand, whether voluntarily or involuntarily, or without limitation, occurring or brought about by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order:

- 1) Non-Payment of Loan - If the recipient shall fail to make payment when due of any installment of principal on the loan, or interest accrued thereon and if the failure to make payment shall remain unremedied for fifteen (15) working days.
- 2) Non-Payment of Other Indebtedness - If default shall be made in the payment when due of any installment of principal or of interest on any of the recipient's other indebtedness (any creditor the recipient owes) and if such default shall remain unremedied for fifteen (15) working days.
- 3) Incorrect Representation or Warranty - If any representation or warranty contained in, or made in connection with the execution and delivery of, the loan agreement, or in any certificate furnished pursuant hereto, shall prove to have been incorrect.
- 4) Default in Covenants - If the recipient shall default in the performance of any other term, covenant or agreement contained in the loan agreement, and such default shall continue unremedied for thirty (30) working days after either:
  - A) it becomes known to an executive officer of the recipient, or
  - B) written notice thereof shall have been given to the recipient by the Department.

- 5) Voluntary Insolvency - If the recipient shall cease to pay its debts as they mature or shall voluntarily file a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidation of its assets or to effect a repayment plan with creditors, or shall be adjudicated bankrupt, or shall make a voluntary assignment for the benefit of creditors.

- 6) Involuntary Insolvency - If an involuntary petition shall be filed against the recipient under any bankruptcy or insolvency law or seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the recipient, or the property of the recipient, or a writ or warrant of attachment shall be issued against the property of the recipient and such petition shall not be dismissed, or such writ or warrant of attachment shall not be released or bonded within thirty (30) working days after filing or levy.

- 7) Judgements - If any final judgment for the payment of money that is not fully covered by liability insurance shall be rendered against the recipient, and within thirty (30) working days, shall not be discharged, or an appeal therefrom taken and execution thereon effectively stayed pending such appeal, and, if such judgment be affirmed on such appeal, the same shall not be discharged within thirty (30) working days.

- 8) Notice of Default - The recipient agrees to give written notice to the Department of any event, within fifteen (15) working days of the event, which constitutes an event of default.

## SUBPART B: RURAL DIVERSIFICATION GRANT PROGRAM

## Section 640.210 Purpose of Grant Program

Through the Rural Diversification Grant Program, the Department of Commerce and Community Affairs will provide grants to local governments and not for profit agencies for the purpose of rural economic diversification.

## Section 640.220 Definitions

Act - The Rural Diversification Act (Ill. Rev. Stat. 1989, ch. 5, pars. 2251 et seq.), which creates the Rural Diversification Program.

Application - A request for program funds, including the required statistical and narrative information and attachments.



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Department - The Illinois Department of Commerce and Community Affairs.

Financing - Grants to or on behalf of local governments or not for profit agencies for purposes of rural diversification, except that no grants under this Program shall be made directly with a rural business.

Program - The Rural Diversification Grant Program.

Recipient - Any eligible applicant receiving funds under this program.

## Section 640.230 Eligible Applicants

Applications shall be accepted from the chief elected official of cities, villages, towns, counties and college districts and officials of not for profit agencies including regional planning and development commissions, economic development organizations, or community based organizations which are located in or serve any incorporated area (including contiguous cities, towns or villages combined) of 50,000 population or less or any unincorporated area, of a non urban county with a population of less than 350,000.

## Section 640.240 Eligible Program Activities

a) The Department may provide financing to or on behalf of an eligible applicant in the State for the purpose of INDUSTRY OR REGION WIDE RESEARCH DIRECTED TO PROFIT ORIENTED USES OF RURAL RESOURCES (Section 3(d)(iii) of the Act) including:

1) Region-wide research, such as feasibility studies, opportunity analyses, reuse studies, needs assessments, cost/benefit analyses or other studies required by a rural community in order to explore its options for economic development or diversification.

2) Business and industry research and reports such as market analyses, production analyses, customer surveys, feasibility studies, and related research to explore, identify or create new markets for actual or potential rural businesses.

b) The Department may provide financing to or on behalf of an eligible applicant in the State for the purpose of INFORMATION, TECHNICAL SUPPORT AND TECHNICAL ASSISTANCE CONTRACTS REGARDING PRIVATE, STATE AND FEDERAL RESOURCES, PROGRAMS OR GRANT ASSISTANCES AND THE NEEDS AND OPPORTUNITIES FOR DIVERSIFICATION (Section 5 (a)(v) of the Act) including:

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1) Community information and training including conferences and workshops and technical or reference guides on private, local, state and federal programs, services or resources related to community or economic development needs, opportunities, strategies and programs.

2) Technical support and technical assistance including on-site technical advice and problem solving or self-help technical assistance related to the needs or opportunities for public or private responses to rural or agricultural diversification.

## Section 640.250 Eligible Program Costs

Project costs which shall be eligible for reimbursement with Grant proceeds include contractual services, consultant fees, commodities, materials and supplies, travel and other project related direct expenses necessitated by the project.

## Section 640.260 Fund Availability and Submission Deadlines

a) Upon request, the Department will supply applicants with an application package. Public notice of the availability of funding and the application due dates will be published in the state recognized newspaper.

b) Applications for funding under the Rural Diversification Grant Program will be made available at least quarterly on a schedule determined by the Department and published in the state recognized newspaper. Applications received after 5:00 p.m. on the appropriate submission date will be held for consideration during the next review cycle. Final award announcements will be made within forty-five (45) working days of the application deadline.

## Section 640.270 Grant Application Package

Applications for grants must include the following documentation:

a) Project Summary - a brief statement and description of the project for which funds are being sought.

b) Evidence of Need - a description of the conditions of the community requiring study or action such as absence of opportunities, over-reliance on limited industries, history of low wages or high unemployment, or level of knowledge or education.

c) Background of Applicant - a brief discussion of the applicant's



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organization, purpose, history and capabilities to carry out the proposed project.

d) Project Description - a description of the proposed research or technical assistance project for which the grant would be used, including a project work statement detailing project objectives, work activities and deadlines as well as identification of the individual(s) or group(s) responsible for carrying out the project.

e) Project Results - identification of the anticipated results of the proposed project in terms such as rural or agricultural diversification, potential for creation or retention of jobs, or number of communities to be served.

f) Follow-up Work and Timelines - a description of the expected follow-up work of the organization to continue the work begun by the project.

g) Project Management - identification and information on the staff and/or consultants to be involved in the proposed project, including qualifications, functional responsibilities, percent of time and related information.

h) Financial Statements - if necessary, financial statements of the applicant.

i) Coordination - description of any cooperative working relationships which are or will be developed with other organizations involved in similar or related activities, and the relationship of the project to existing local, regional or state economic development plans.

j) Related Activities or Assistance Sought - information concerning project-related activities undertaken within the last two years, and information concerning any other public financing applied for or received.

k) Budget - a project budget by cost categories, including quarterly projections of fund requirements, as required in the Department's application package.

## Section 640.280 Review of Grant Applications

a) Application Screening - The Department shall screen all grant applications to determine that all elements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given the opportunity to correct such deficiencies through resubmission during the next cycle of

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funding. Complete applications will be reviewed and evaluated by Department staff in accordance with the criteria listed in subsections (b) through (h) of this Section. This review and evaluation process will be completed within forty-five (45) working days of the due date for applications.

b) Basic Eligibility Evaluation - Each grant application will be reviewed to assure compliance with the eligibility requirements as detailed below:

1) Eligible Applicant - Eligible applicant entities serving an eligible area as detailed in Section 640.230.

2) Eligible Project Type - Project activities consistent with the eligible activities of a Rural Diversification Project as detailed in Section 640.240.

c) Evidence of Need - The applicant must show:

1) THE ESSENTIAL NEED WHICH MUST BE DOCUMENTED FOR AGRICULTURAL OR RURAL DIVERSIFICATION (Section 6(b)(i) of the Act): for example, absence of development projects; lack of knowledge, education or skills of economic development; potential opportunity for economic benefit, or related need.

2) proof of the project's INABILITY TO ACQUIRE FINANCING FROM OTHER STATE AUTHORITIES OR AGENCIES (Section 6(b)(i) of the Act), in an amount adequate to complete the project, such as a letter of partial funding or indication that other state and federal program funding has been considered.

d) Costs - The applicant must demonstrate that the project costs:

1) are eligible program costs as defined in Section 640.250;

2) can be substantiated given the amount of work to be undertaken and the results expected; and

3) amount to be paid from the Department's share does not exceed the maximum percentage participation as detailed in Section 640.310.

e) Program Objectives and Methodology - The applicant must demonstrate the activities and outcomes of the project are accomplishable, such that:

1) objectives are measurable and describe benefit to the



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population or area being served;

- 2) methods and sequence of activities logically address the problems or opportunities identified and achieve the objectives that have been set.

## Section 640.290 Rural Diversification Review Committee

a) THERE IS CREATED AN INTERNAL REVIEW COMMITTEE WITH THE DIRECTOR OF THE RURAL AFFAIRS COUNCIL, OR HIS DESIGNEE, THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, OR HIS DESIGNEE, AND THE DIRECTOR OF THE ILLINOIS FARM DEVELOPMENT AUTHORITY, OR HIS DESIGNEE AND OTHER MEMBERS AS DEEMED NECESSARY BY THE DIRECTOR OF THE DEPARTMENT TO ASSIST IN THE REVIEW OF ALL PROJECT APPLICATIONS (Section 5(c) of the Act).

b) Within 10 working days of the application due date, the "Internal Review Committee" shall meet to review all project applications. The committee will identify applications for grant consideration based upon analysis of the applicant organization, the project design and the project's readiness in accordance with the requirements of subsections (c) through (e) of this Section.

c) Project Implementation Readiness - The applicant must demonstrate project readiness, including:

- 1) a time schedule for immediate project initiation;
- 2) written cost estimates which support project costs; and
- 3) scope of activities which can be conducted within the grant agreement time period.

d) Project Administrative Capacity - The applicant must demonstrate:

- 1) its capability of successfully completing the proposed project, based on past experience or previous performance; and
- 2) capability to comply with grant agreement based on past experience, or previous performance.

e) Program Objectives and Methodology - The applicant must demonstrate the activities and outcomes of the project are accomplishable, such that:

- 1) objectives are measurable and describe benefit to the population or area being served; and

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- 2) methods and sequence of activities logically address the problems or opportunities identified and achieve the objectives that have been set.

## Section 640.300 Selection for Financing

Applications that meet the criteria of Sections 640.280 and 640.290 will be funded until all available grant financing is expended. The amount of grant financing made available by the Department will be based on the extent to which the application provides evidence of economic benefit to the community including:

- a) the degree to which the proposed project ameliorates the problems or needs identified within the area;
- b) the extent to which the project addresses substate regional, rather than individual, community concerns;
- c) the innovativeness and replicability of the proposed projects in relation to approaches used in the past; and
- d) the residual economic benefit to the community, such as jobs created or retained, increase tax base or revenues, added community wealth or similar benefits.

## Section 640.310 Grant Limitations

a) The Department shall approve Grants in amounts necessary to pay up to 25 percent of eligible costs as defined in Section 640.250, incurred by or on behalf of an eligible entity up to a maximum of \$200,000, unless the Director waives the percent share or maximum amount in accordance with Section 640.320.

b) In calculating the Department's share of costs, total financing for the project shall include cash amounts or other contributions of in-kind goods or services provided by the applicant, derived from any source, and used on the project's eligible expenses, and included as a part of the grant agreement budget. The Department may limit the amount of funds derived from other Departmental programs which may be considered as match.

## Section 640.320 Waivers

In accordance with Section 7(c) of the Act, a waiver of limitations on the percentage of leverage in accordance with Section 640.310 of this Part shall be allowable when it is determined that these funding limitations would prohibit an otherwise approved project, and subsequent rural diversification, including job creation or retention, from occurring if the application demonstrates severe need, including but not limited to:



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- a) The area to be served is a distressed community or county with an average unemployment rate for the last two years which is 25 percent higher than the state average, or a per capita income which is less than the State average;
- b) Area with limited economic development potential as evidenced by absence of development activities within the last two years or as evidenced by new job growth rate less than the State or national average;
- c) Funding would support a project which has provided assurance that it will generate business growth and job creation in the community as a result;
- d) Funding is needed to avert loss of a major employment source (more than 100 jobs or 2 percent of the local base) in the community;
- e) The project is designed to benefit multiple rural jurisdictions across the state; or
- f) The project is a model project, new program innovation or demonstration effort with the potential for replicability within numerous regions or areas of the State.

## Section 640.330 Applicant Certifications

Each applicant for program financing will be required to satisfy the following certifications, when applicable:

- a) Farmland Preservation (if applicable) - certification that the proposed project is compatible with established state policy regarding farmland preservation pursuant to the Farmland Preservation Act.
- b) Floodplain - certification that the proposed project will comply with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq. (1984) and Executive Order 79-4, effective June 1, 1979, which requires special environmental procedures if any activities will be carried out in a flood hazard area.
- c) Nondiscrimination - Certification that the recipient shall comply with all applicable laws and regulations which prohibit discrimination on the basis of race, sex, religion, national origin, age or handicaps, including but not limited to the Illinois Human Rights Act, and the Equal Employment Opportunity Clause promulgated pursuant thereto.
- d) Historic Preservation - Recipient certifies that this project

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does not involve the destruction, alteration, renovation, transfer or sale, or utilization, of an historic property, structure or structures, or the introduction of visual, audible or atmospheric elements to an historic property, structure or structures, and will, therefore, not result in any changes in the character of use of any historic property in accordance with the State Agency Historic Resources Preservation Act.

- e) Bribery Certification - That neither the applicant nor the applicant's employees have been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois nor has there been an admission of guilt of such conduct which is a matter of public record pursuant to Section 10.1 of the Illinois Purchasing Act.
- f) Interest of Public Officials - Recipient certifies that it is in compliance with the provisions of Section 11.4 of the Illinois Purchasing Act prohibiting conflict of interest.
- g) Bidding on State Contracts - Applicant certifies that it has not been barred from bidding on or entering into State contracts as a result of a violation of the Criminal Code of 1961.

## Section 640.340 Administrative Standards for Grant Recipients

- a) Grant Agreement - The Department will negotiate as needed with the applicant. The grant agreement will set out the scope of work of the grant, the terms and conditions of the grant, and the budget of the grant agreement.
- b) Grant Period - The grant shall have a period of completion as determined by the Department.
- c) Complaint Process - In the event of a recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- d) Fund Availability - Payments pursuant to a grant are subject to the availability of funds appropriated to the Department by the Illinois General Assembly. Grant funds must be expended or obligated within the period of the grant agreement and liquidated within the period of time in accordance with the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, Ch. 127, pars. 2301 et seq.).
- e) Disbursement of Funds - Payments to the recipient pursuant to a grant are subject to the initiation of an invoice voucher and receipt of an expenditure summary or documentation of expenses. Further, financing shall be made available to the recipient in



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periodic allotments as determined by the fund balance position of appropriated funds available to the Department for this program in comparison with the cash needs of the various recipients under this program.

- f) Financial Management - The recipient is accountable for funds received under this grant and shall maintain effective control and accountability over all funds and other assets under the grant. The recipient shall keep records which detail and accurately document the recipient's expenditures of grant funds for a period of two years from the end of the grant agreement.

- g) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act, all interest earned under the grant shall become part of the grant when earned. Any interest earned during the term of the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

- h) Recovery of Funds - If the grant recipient expends funds contrary to the provisions of the grant agreement, such action shall require the repayment of those funds.

- i) Department Monitoring and Evaluation - Recipients and their subcontractors, if any, must permit any agent authorized by the Department, upon presentation of credentials to have full access to and the right to examine any documents, papers, and records of the recipient involving transactions related to a grant from the Department.

- j) Reports - Grant recipients must submit, at least semi-annually during the period of the grant agreement, reports on the financial status of the project and narrative reports on the activities and achievement of objectives and results.

- k) Audits - The recipient shall be responsible for securing any compliance audit required of grant records. Such audit must be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act. The audit must be conducted in accordance with generally accepted government auditing standards adopted by the AICPA (1989).

- l) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.

Section 640.350 Modification, Breach and Termination of Grants

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- a) Modification and Amendment of the Grant - The grant award is subject to revision as follows:

- 1) Modifications by Operation of Law - The grant award is subject to such modifications as may be required by changes in State law or regulations. Any such required modification shall be incorporated into and made a part of the grant as within the provisions of the Illinois Grant Funds Recovery Act. The Department shall notify the recipient in writing of any amendment to such regulations and the effective date.

- 2) Modifications in Budget - A recipient's request for budget variations in the amount or line item costs shall be in writing by registered letter and shall give justifications for the requested variations. The Department may approve modification requests, if, the Department determines such is necessary to achieve program objectives. Any changes in cost categories or line items shall not alter the activities or deliverables for the project. If the Department approves the modification request, the recipient will be notified in writing of the change and the effective date of the change.

- 3) Other Modifications by Department or Recipient - If either the Department or the recipient requests to modify the terms of the Grant award other than as set forth in subsections (a)(1) and (2) above, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the recipient.

- b) Breach - Should the recipient fail, refuse or elect not to complete the grant agreement, the recipient shall notify the Department within ten (10) days after the date upon which performance ceases.

- c) Suspension

- 1) If the Department determines that a recipient has failed to perform the terms and conditions of the scope of work of the project, then the Department shall, after notice and an opportunity to correct has been provided to the recipient, suspend the grant and withhold further payments until the grant is terminated, or the recipient's failure has been corrected.

- 2) The Department will determine that a recipient has failed to faithfully perform the terms and conditions of the scope



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of work of the project when:

- A) The Department has notified the recipient in writing of the existence of circumstances such as repeated failure to submit required reports, misapplication of grant funds, failure to match Department funds, evidence of fraud and abuse, repeated failure to meet performance timelines or standards, or failure to resolve negotiated points of the agreement; and
- B) The recipient fails to develop and implement a corrective action plan within 30 calendar days of the Department's notice.

d) Termination - A grant shall be terminated for any of the following reasons:

- 1) Termination Due to Loss of Funding - In the absence of State funding for a specific year, all grants that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all recipients.
- 2) Termination for Cause - If the Department determines that the recipient has failed to comply with the terms and conditions of the grant agreement the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Such termination may be appealed by the recipient through the complaint process outlined in Section 640.340 (c).
- 3) Termination by Agreement - The Department and the recipient shall terminate the grant in whole, or in part, when the Department and recipient agree that the continuation of the project would not produce beneficial results commensurate with the further expenditures of funds.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) Section Numbers:

540.35  
540.210

Proposed Action:

New Section  
New Section

4) Statutory Authority:

Emergency Medical Services (EMS) Systems Act  
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 5501 et seq., as amended by P.A.  
86-1136, effective July 13, 1990.

5) A Complete Description of the Subjects and Issues Involved:

The Illinois Trauma Center Code includes rules for the designation of Level I and Level II Trauma Centers. These emergency and proposed changes to these rules set further the policies for the delegation of authority to implement the Trauma Center designation program and provide grants to Level I Trauma Centers.

The Illinois General Assembly enacted and Governor signed into law Public Act 86-1136 authorizing the Department to award grants to Level I Trauma Centers based need. Accordingly, the Department proposes a formula where key indicators of need are the proportion of statewide Medicaid and uninsured trauma patients served. Trauma patients are defined as patients admitted to Level I Trauma services with an Injury Severity Score (ISS) score of 9 or above. There is substantial support in medical literature for the selection of 9 as an ISS score differentiating less severe injuries from more severe trauma cases requiring significant trauma care resources.

The needs of regional trauma systems are a critical element of Illinois' trauma policy. The Department's trauma program seeks to prevent duplication of costly trauma services within a given area and to encourage an appropriate size for trauma systems given the needs and volume generated by an area's population.

The Department's twofold objective, then, is to specifically address the complicated financial pressures faced by Level I Trauma Centers and to build into the methodology sufficient flexibility to allow for system development in regional areas with high need. The Department has considered several different approaches to distributing the trauma grant



money, ranging from an equal division of the money among all trauma centers to the Department accepting competitive applications for a portion of the total.

Several key indicators of need are, however, in the Department's view essential elements of a methodology. They are (1) the volume of Medicaid and uninsured trauma patients seen at Level I Trauma Centers, (2) an ISS threshold that assures that the cases considered represent true trauma patients, (3) Trauma Centers with financial problems above and beyond the norm and (4) regional trauma system development issues. These considerations have led us to develop a methodology that has both quantitative and qualitative components. The Department presents here a methodology we believe is fair and workable and meets our statewide policy objectives.

Allocation of grant money on a regional basis is the necessary first step in light of the need to develop and maintain regional trauma systems. The regional allocation is calculated using as its basis the percentage of statewide Medicaid and uninsured trauma patients served in that region. Although important conceptually in defining areas of need, trauma regions themselves will not be grant recipients. The methodology does assure, however, that each region with a Level I Trauma Center will have at least one hospital that will receive \$50,000, a policy which supports regional trauma systems.

Once the statewide appropriation is divided into regional allocations, then actual grants from the Department to individual hospitals within regions will occur. This step will be accomplished in two ways. The regional allocation will be divided into two equal portions. The first half will be allocated to individual hospitals based on the percentage of regional Medicaid and uninsured trauma patients served in that hospital. This quantitative need-based approach used for half of the allocation is sensitive to the actual financial pressures experienced in providing trauma care and rewards centers with high volumes of low income patients.

The method for disbursing the second half of the regional allocation provides a more flexible approach in considering qualitative information. The draft rule specifies a Department review of proposals from Level I Trauma Centers documenting problems related to individual hospital volume, special needs within a trauma region and an assessment of unique financial hardships faced by an individual hospital. This method of distribution of the second half of the regional allocation to individual trauma centers can serve to bolster the viability of a regional trauma system, a purpose which is well within the intent of the statute.

In summary, the Department is satisfied that this methodology effectively combines a needs-based allocation that is sensitive to the additional financial responsibilities assumed by Trauma Centers and a more discretionary allocation that allows the Department to respond to special

needs and circumstances within evolving trauma systems.

Section 540.35 has been added to set forth the statutory mandate of the delegation of authority to implement the Trauma Center designation program under the Act and this Part to local health departments, performance criteria for such a delegation and the standards for revocation of the delegation. Section 540.210 has been added to set forth the above described methodology.

The economic effect of this proposed rulemaking is unknown. However, the Level I Trauma Centers which receive grants should be positively affected. The Department anticipates that this proposed rulemaking will become effective within 150 days from August 13, 1990.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☒ No ☐

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
540.65	New Section	14 Ill. Reg. 10665
540.90	Amendments	14 Ill. Reg. 10665
540.100	Amendments	14 Ill. Reg. 10665
540.200	New Section	14 Ill. Reg. 10665

10) Statement of Statewide Policy Objectives:

The proposed rulemaking will affect local health departments which had established trauma systems pursuant to local ordinances passed prior to January 1, 1990 (City of Chicago) and hospitals designated as Level I Trauma Centers which are owned by units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

Date, Time and Location of Public Hearing:

10:00 A.M.  
September 6, 1990  
Illinois Hospital Association  
The Center for Health Affairs  
1151 East Warrenville Road  
Naperville, Illinois 60540

Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer

## DEPARTMENT OF PUBLIC HEALTH

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may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

August 10, 1990

B) Type of Small Businesses Affected:

Hospitals.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

No particular professional skills are necessary.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Illinois Register on page 13861.



## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers: 440.90 Proposed Action:  
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 441 and 442
- 5) A Complete Description of the Subjects and Issues Involved: Deletion of obsolete language. Deletion of a provision requiring a guaratee letter from a bank before the Department will accept a personal check in payment of tax stamps. The latter provision is contrary to an amendment to the law, effective January 1, 1988, which provided for release of bonds of "prior continuous compliance taxpayers".
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:
- R. Dale Yung  
Administrator  
Legal Services Bureau  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6336
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 10, 1990
- B) Types of small businesses affected: Cigarette distributors

## NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendment(s) begins on the next page:



NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 440  
CIGARETTE TAX ACT

Section	
440.10	Nature and Rate of Tax
440.20	Tax-How Paid
440.30	Tax-Who Liable For
440.40	Design
440.50	Tax Stamps-When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps-How Affixed
440.70	Tax Stamps-Affixed Out of State
440.80	Transporter Permits
440.90	Tax Stamps-Purchase of; Cost: Discount
440.100	Returns Required: When Filed
440.110	Books and Records: Examination: Preservation
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Claim for Replacement
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 453.1 et seq.).

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 440.90 Tax Stamps-Purchase of: Cost: Discount

- a) Sales of such stamps shall be made by the Department, or any person

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authorized by the Department, to licensed distributors in proper denominations, subject to discounts as explained in paragraph (b) of this Section, which discount shall be allowed at the time of purchase of the stamps, when purchase is required by the Act.

- b) The discounts allowable to distributors at the time of purchasing stamps during any year commencing July 1 and ending the following June 30 are as follows: Prior to December 17, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first \$700,000.00 paid under the Cigarette Tax Act by such distributor to the Department during any such year; 1-1/3% of the next \$700,000.00 of tax by such distributor to the Department during any such year; 1% of the next \$700,000.00 of tax by such distributor to the Department during any such year; 1% of the next \$700,000.00 of tax by such distributor to the Department during any such year; and 2/3 of 1% of the amount of any additional tax paid under the Cigarette Tax Act by such distributor to the Department during any such year; such year: EFFECTIVE DECEMBER 17, 1985, A DISCOUNT SHALL BE EQUAL TO 1.75% OF THE AMOUNT OF THE TAX PAYABLE UNDER THE CIGARETTE TAX ACT UP TO AND INCLUDING THE FIRST \$3,000,000.00 PAID BY SUCH DISTRIBUTOR TO THE DEPARTMENT DURING ANY SUCH YEAR AND 1.5% OF THE AMOUNT OF ANY ADDITIONAL TAX PAID BY SUCH DISTRIBUTOR TO THE DEPARTMENT DURING ANY SUCH YEAR SHALL APPLY. (Section 2 of the Act)

- c) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

- d) In general, remittance for stamps should be in the form of bank cash or check, certified check or postal money order, made payable to the Department of Revenue. However, the Department will accept the licensee's personal check in payment for cigarette tax stamps if such licensee has on file with the Department a binding guarantee letter from a bank guaranteeing the payment of checks drawn by the licensee on such bank in favor of the Department of Revenue in payment of cigarette tax up to a specified amount; and if the total amount of the present remittance and any other remittances from the licensee that have not cleared the bank when the present remittance is issued are within the limit of the amount guaranteed in the bank's guarantee letter. Postage stamps will not be accepted in payment for cigarette tax stamps.

- ed) In addition, prior to December 17, 1985, the Department will allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes and which shall



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be payable within 21 days thereafter, provided that such distribution has been filed with the Department and has received the Department's approval of a bond, which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under the Act during the preceding calendar year of \$500,000.00, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or a bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. The distributor's failure to pay any such draft when due shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft. ON AND AFTER DECEMBER 17, 1995, THE DEPARTMENT SHALL ALLOW A DISTRIBUTOR 30 DAYS IN WHICH TO MAKE FINAL PAYMENT OF THE AMOUNT TO BE PAID FOR SUCH STAMPS, BY ALLOWING THE DISTRIBUTOR TO MAKE PAYMENT FOR THE STAMPS AT THE TIME PURCHASING THEM WITH A DRAFT WHICH SHALL BE IN SUCH FORM AS THE DEPARTMENT PRESCRIBES (i.e., a standard bank draft which the distributor may post-date), AND WHICH SHALL BE PAYABLE WITHIN 30 DAYS THEREAFTER: PROVIDED THAT SUCH DISTRIBUTOR HAS FILED WITH THE DEPARTMENT, AND HAS RECEIVED THE DEPARTMENT'S APPROVAL OF, A BOND (in a form provided for in this Section), WHICH IS IN ADDITION TO THE BOND REQUIRED UNDER SECTION 4 OF THE ACT, PAYABLE TO THE DEPARTMENT IN AN AMOUNT EQUAL TO 150% OF SUCH DISTRIBUTOR'S AVERAGE MONTHLY TAX LIABILITY TO THE DEPARTMENT UNDER THE ACT DURING THE PRECEDING CALENDAR YEAR OR \$750,000.00, WHICHEVER IS LESS. THE BOND SHALL BE JOINT AND SEVERAL AND SHALL BE IN THE FORM OF A SURETY COMPANY BOND IN SUCH FORM AS THE DEPARTMENT PRESCRIBES, OR IT MAY BE IN THE FORM OF A BANK CERTIFICATE OF DEPOSIT OR BANK LETTER OF CREDIT. THE BOND SHALL BE CONDITIONED UPON THE DISTRIBUTOR'S PAYMENT OF THE AMOUNT OF ANY 30-DAY DRAFT WHICH THE DEPARTMENT ACCEPTS FROM THAT DISTRIBUTOR FOR THE DELIVERY OF STAMPS TO THAT DISTRIBUTOR UNDER THE ACT. THE DISTRIBUTOR'S FAILURE TO PAY ANY SUCH DRAFT, WHEN DUE, SHALL ALSO MAKE SUCH DISTRIBUTOR AUTOMATICALLY LIABLE TO THE DEPARTMENT FOR A PENALTY EQUAL TO 25% OF THE AMOUNT OF SUCH DRAFT. (Section 3 of the Act) PRIOR CONTINUOUS COMPLIANCE TAXPAYERS, AS DEFINED IN SECTION 1 OF THE ACT, ARE EXEMPT FROM THE BOND REQUIREMENTS NOTED ABOVE. FOR ADDITIONAL INFORMATION CONCERNING THE EXEMPTION, REFER TO SECTION 3 OF THE ACT.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: 450.10 Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 442 and 443
- 5) A Complete Description of the Subjects and Issues Involved: Deletion of obsolete language. Deletion of a provision requiring a guarantee letter from a bank before the Department will accept a personal check in payment of tax stamps. The latter provision is contrary to an amendment to the law, effective January 1, 1988, which provided for release of bonds of "prior continuous compliance taxpayers".
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:  
  
R. Dale Yung  
Administrator  
Legal Services Bureau  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6386
- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 10, 1990
- B) Types of small businesses affected: Cigarette distributors



## DEPARTMENT OF REVENUE

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C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 450  
CIGARETTE USE TAX ACT

## Section

450.10	Nature and Rate of Tax
450.20	Tax Stamps--Affixed Out of State
450.30	Licenses and Permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units--Sale of--Notice to Department--
	Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 453.31 et seq.).

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

**Section 450.10 Nature and Rate of Tax**

a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 15 mills per cigarette so used.

b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect such tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).



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c) Distributors who are not subject to the Cigarette Tax Act (Ill. Rev. Stat. 1987 1989, ch. 120, par. 453.1 et seq.) (the Act), but who are subject to the Cigarette Use Tax Act (Ill. Rev. Stat. 1987 1989, ch. 120, par. 453.31) et seq.), must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath such outside wrapper.

d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed discounts as follows a discount during any year commencing July 1 and ending the following June 30, prior to December 17, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first \$700,000.00 paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; 1-1/3% of the next \$700,000.00 of tax; and 1/3% of the next \$700,000.00 of tax; or any part thereof, paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; 1% of the next \$700,000.00 of tax; or any part thereof, paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; and 2/3 of 1% of the amount of any additional tax paid under the Cigarette Use Tax Act by such distributor to the Department during any such year. Effective December 17, 1985, a The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.

e) These discounts are This discount is to cover the distributor's cost of collecting the tax.

f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

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g) In general, remittances to the Department should be in the form of bank cashier's checks, certified checks or postal money orders, made payable to the Department of Revenue. However, the Department will accept the licensee's personal check in payment for tax stamps if such licensee has on file with the Department a binding guarantee letter from a bank guaranteeing the payment of checks drawn by the licensee on such bank in favor of the Department of Revenue in payment of the present remittance and any other remittances from the licensee that have not cleared the bank when the present remittance is issued are within the limit of the amount guaranteed in the bank's guarantee letter. Postage stamps will not be accepted.

h) In addition, prior to December 17, 1985, the Department will allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter. Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under the Act during the preceding calendar year or \$500,000.00, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21 day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. The distributor's failure to pay any such draft when due shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft. ON AND AFTER DECEMBER 17, 1985, THE DEPARTMENT SHALL ALLOW A DISTRIBUTOR 30 DAYS IN WHICH TO MAKE FINAL PAYMENT OF THE AMOUNT TO BE PAID FOR SUCH STAMPS, BY ALLOWING THE DISTRIBUTOR TO MAKE PAYMENT FOR THE STAMPS AT THE TIME OF PURCHASING THEM WITH A DRAFT WHICH SHALL BE IN SUCH FORM AS THE DEPARTMENT PRESCRIBES (I.E., A STANDARD BANK DRAFT WHICH the distributor may post-date), AND WHICH SHALL BE PAYABLE WITHIN 30 DAYS THEREAFTER: PROVIDED THAT SUCH DISTRIBUTOR HAS FILED WITH THE DEPARTMENT, AND HAS RECEIVED THE DEPARTMENT'S APPROVAL OF, A BOND, WHICH IS IN ADDITION TO THE BOND REQUIRED UNDER SECTION 4 OF THE ACT, PAYABLE TO THE DEPARTMENT IN AN AMOUNT EQUAL TO 150% OF SUCH DISTRIBUTOR'S AVERAGE MONTHLY TAX LIABILITY TO THE DEPARTMENT UNDER THE ACT DURING THE PRECEDING CALENDAR YEAR OR \$750,000.00, WHICHEVER IS LESS, EXCEPT THAT AS TO BONDS FILED ON OR AFTER JANUARY 17, 1987 SUCH ADDITIONAL BOND SHALL BE IN AN AMOUNT EQUAL TO 100% OF SUCH



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DISTRIBUTOR'S AVERAGE MONTHLY TAX LIABILITY UNDER THE ACT DURING THE PRECEDING CALENDAR YEAR OR \$750,000.00, WHICHEVER IS LESS. THE BOND SHALL BE JOINT AND SEVERAL AND SHALL BE IN THE FORM OF A SURETY COMPANY BOND IN SUCH FORM AS THE DEPARTMENT PRESCRIBES, OR IT MAY BE IN THE FORM OF A BANK CERTIFICATE OF DEPOSIT OR BANK LETTER OF CREDIT. THE BOND SHALL BE CONDITIONED UPON THE DISTRIBUTOR'S PAYMENT OF THE AMOUNT OF ANY 30-DAY DRAFT WHICH THE DEPARTMENT ACCEPTS FROM THAT DISTRIBUTOR FOR THE DELIVERY OF STAMPS TO THAT DISTRIBUTOR UNDER THE ACT. THE DISTRIBUTOR'S FAILURE TO PAY ANY SUCH DRAFT, WHEN DUE, SHALL ALSO MAKE SUCH DISTRIBUTOR AUTOMATICALLY LIABLE TO THE DEPARTMENT FOR A PENALTY EQUAL TO 25% OF THE AMOUNT OF SUCH DRAFT. (Ill. Rev. Stat. 1989, ch. 120, par. 453.3, Section 3 of the Act) PRIOR CONTINUOUS COMPLIANCE TAXPAYERS, AS DEFINED IN SECTION 1 OF THE ACT, ARE EXEMPT FROM THE BOND REQUIREMENTS NOTED ABOVE. FOR ADDITIONAL INFORMATION CONCERNING THE EXEMPTION, REFER TO SECTION 3 OF THE ACT.

4h) The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by such distributor under the Cigarette Use tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.

4i) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.

4j) Where cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of such original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Such tax should be remitted to the Department by the user within 3 days after he acquires such cigarettes.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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- | 1) The Heading of the Part: | Residential Energy Assistance Partnership Program |
|-----------------------------|---|
| 2) Code Citation:           | 47 Ill. Adm. Code 100                             |
| 3) Section Numbers:         | Adopted Action:                                   |
| 100.10                      | Amendment   |
| 100.20                      | Amendment   |
| 100.30                      | Amendment   |
| 100.40                      | New Section                                       |
| 100.45                      | New Section                                       |
| 100.50                      | New Section                                       |
| 100.70                      | Amendment   |
| 100.85                      | Amendment   |
| 100.103                     | New Section                                       |
| 100.105                     | New Section                                       |
| 100.106                     | New Section                                       |
| 100.110                     | Repeal, New Section                               |
| 100.111                     | New Section                                       |
| 100.113                     | New Section                                       |
| 100.115                     | Amendment   |
| 100.117                     | New Section                                       |
| 100.120                     | Amendment   |
| 100.130                     | Repeal  |
| 100.140                     | Repeal  |
| 100.210                     | Repeal  |
| 100.230                     | Repeal  |
| 100.240                     | Repeal  |
| 100.290                     | Amendment   |
| 100.Appendix A              | Repeal  |
| 100.Appendix B              | Repeal  |
| 100.Appendix E              | New Section                                       |
| 100.Appendix F              | New Section                                       |

4) Statutory Authority: Implementing Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 1304.2) and the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1401 et seq.) and authorized by Section 4 of the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 1404) and Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par 46.20).

5) Effective Date of Amendments: August 8, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.



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- 8) Date Filed in Agency's Principal Office: August 3, 1990.
- 9) Notice of Proposal Published in Illinois Register: November 17, 1989;  
13 Ill. Reg. 17589.

- 10) Has JC&R issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:  
Throughout this rulemaking the word "component" has been replaced with "option(s)" or deleted as applicable.
- Throughout the rule, wherever the term "customer of record" is used, it will be changed to "customer".
- Throughout this rulemaking the term "home energy vendor(s)" has replaced "utility(ies)", "public utility(ies)", utility company(ies)", and "vendor(s)" except where it is intended to specifically reference a utility or a public utility.

In Section 100.20(a), the cite "(Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq.)" has been moved from line 2 of Section 100.103(b)(2) to line 5 of Section 100.20(a), after "Title IV of the Social Security Act".

In Section 100.20(a)(2), the language "or direct to the household if its winter energy services are provided by a non-participating vendor" has been added to the end of the Section.

Section 100.30

"Customer" has been redefined as "Any person who is receiving home energy services from a home energy vendor and has agreed to pay for those services, or did receive home energy services, during the program year from a home energy vendor and has not changed the home energy vendor for that type of home energy service".

In the second line of the definition of "Exxon", inserted "the U.S. Department of Energy" after "administered by" and placed parentheses around the acronym "DOE".

In the second line of the definition of "Grant Agreement", underlined "Local Administering Agency".

"Handicapped Person" has been redefined as "A person who is and who is expected to continue indefinitely to be subject to a physical, developmental, visual, hearing or mental disability, as defined in Section 4A of the Identification Card Act (Ill. Rev. Stat. 1989, ch. 124, par. 24A)".

"Home Energy Vendor" has been redefined as "Any sole proprietorship,

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partnership, joint venture, corporation, company or other established business which provides primary and/or secondary energy, including fuel, to residential dwellings and has elected to participate in the REAPP".

In the third line of the definition of "Households" the reference to "Section 100.110" has been further clarified by changing it to "Section 100.110(b)(1)".

In the ninth line of "Household Income" the reference to Section "100.113(b)" has been corrected to "100.110(c)(2)".

The definition of "Household Members" has been deleted.

In the definition of "Pre-Program Arrearages", a comma has been inserted after "1989" on line 3 and in line 4, "Option 4" has been changed to "Option 5".

A definition of "Program Year" has been added which reads: "Program Year": The period in time starting November 1 and ending October 31 in the following year".

"Shortfall" has been redefined to read: "Shortfall": Represents the difference between the billing for energy usage for any given billing period after a customer qualifies for participation in Option 5 and the customer's required percentage of income payment in accordance with Section 100.110(c)(2)."

The definition of "Vendor" has been deleted.

Section 100.40

In line 9 of subsection(b), the word "components" has been changed to "programs".

In line 1 of subsection(c), the words "components of the" have been deleted.

Another sentence has been added to the end of subsection(c) which reads: "Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected."

Section 100.45

In the next to last line of subsection(b), "(1987)" has been updated to "(1989)" and "Subparts A, B, C, D, E, F, and H of" has been inserted before "of 45 CFR 96".

The following language has been added to the end of subsection(b)(1): "(evidenced by services to clients in accordance with their incidence



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in the census-based client population of the service area).

The following language has been added to the end of subsection(b)(2): "(evidenced by demonstrated applicant staff capability to complete federal and/or state grant applications and reporting documents containing qualitative and quantitative objectives)".

Subsection(b)(3) has been rewritten to read: "an accounting system in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (1989), 1211 Avenue of the Americas, New York, NY 10036-8775; and".

The last sentence of subsection(c)(3) has been deleted.

The language "as detailed in this Part" has been inserted in subsection(c)(5), line 4, after "regulations".

The colon at the end of subsection(d) has been changed to a period and another sentence has been added which reads: "The weight to be given to each standard will be dependent on the nature of the project, keeping in mind the Department's goal of equally representing all areas of the State."

Section 100.50

In line 2 of subsection(a), "Illinois Energy Assistance Program" has been changed to "Residential Energy Assistance Partnership Program."

In line 2 of subsection(a)(2), deleted "and" and replaced the semicolon after "440" with a comma.

In line 3 of subsection(a)(2), changed the semicolons after "96" and "agreement" to commas and inserted the word "and" before "the provisions".

In line 6 of subsection(b)(1)(A), added an "s" to "Section".

In the last line of subsection(b)(1)(B), "these rules" have been changed to "this Part".

In line 1 of subsection(b)(2), the term "hearing office" has been corrected to read "hearing officer" and in the fourth line from the end of that same subsection, the words "costs of the" have been inserted between the words "the" and "certified".

In subsection(c) the language "Sections 10 through 15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1010-1015)" has been deleted and replaced with "47 Ill. Adm. Code 10".

In the fifth line of subsection(d), the words "in writing" have been

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inserted after "notify the LAA".

Section 100.85

The following language has been added to the end of the first sentence: ", or if the applicant disputes the amount or type of assistance granted".

In the third line of subsection(a)(2), the words "denial notice" have been deleted and replaced with "notice of a decision on the applicant's application".

In line 2 of subsection(a)(4), the words "denial of his/her" have been replaced with "the decision on the".

In subsection(a)(7), the language in lines 1 and 2 "whose application has been denied by the LAA" has been deleted and the words "home energy" in line 8 have been underscored.

In lines 22-23 of subsection(b), the language "whose application has been denied by the LAA" has been deleted; in line 24, after "application", the language "or modify the assistance granted" has been added; in line 25 the words "home energy" have been underscored; and in lines 28 and 29, underscored the words "home energy".

In lines 3 and 6 of subsection(c)(4), lines 3 and 4 of subsection(c)(6), and lines 4 and 5 of subsection(c)(7), the cites to the Ill. Rev. Stat. have been deleted as they are unnecessary.

In lines 1 and 2 of subsection(c)(8), the phrase "whose application has been denied by the LAA" has been deleted and the language "or modify the assistance granted" has been inserted after "application" in line 4.

Section 100.103

In subsection(d) another sentence has been inserted as sentence 2 which reads: "Individuals applying for assistance under Status Category 1 (AFPC) of REAPP shall be given an application upon request."

Section 100.105

The name of this Section has been changed to "Allocation of Block Grant Funds" in the table of contents and in the text.

In subsection(d) the language "in the state newspaper and in at least one local newspaper" has been inserted after "advertised" in line 5.

Section 100.106

This new Section, added to the table of contents and the text, describes the "Allocation of Illinois Department of Public Aid Funds".



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## Section 100.110

In line one of subsection(b)(1)(A)(ii), the word "a" has been replaced with "one" and at the end of the subsection the words "per program year" have been added.

In line four of subsection(b)(1)(A)(iii), the word "and" has been inserted after "expenses".

In line 12 of subsection(b)(1)(B)(iii), the word "resident" has been changed to "residence".

In the first line of subsection(b)(2)(A)(ii), the word "a" has been changed to "one" and at the end of this subsection "per program year" has been added.

In the next-to-last line of subsection(b)(2)(A)(iii), the word "of" has been changed to "for".

In line 3 of subsection(b)(2)(B)(ii), placed an apostrophe before the "s" in "applicants".

In line 5 of subsection(b)(2)(B)(ii), "per-program" has been changed to "pre-program".

Subsection(b)(2)(C)(ii) has been rewritten to read: "Then a one-time payment will be made to the home energy vendor(s) per program year on behalf of the applicant in the amount prescribed by Section 100.Appendix E."

In line 2 of subsection(b)(3), the words "or more" have been inserted after "any one".

In line 2 of subsection(b)(3)(A)(ii), the words "an amount up to" have been inserted before "the minimum amount" and in line 3 of this subsection changed "reconnect" to "reestablish".

Subsection(b)(3)(A)(iii) has been rewritten to read: "SUBJECT TO the emergency assistance program requirements (as provided in subsection(c)(4))."

The heading of subsection(c)(1) has been changed to "90% Average Program". Throughout the remainder of the rule, wherever the 90% program is mentioned, the word "average" has been inserted after "90%".

In the fourth line of subsection(c)(1)(A), "Section 100.111(c)(2)" has been replaced with "Section 100.Appendix F".

In line 2 of subsection (c)(1)(A), "utility bill(s)" has been changed to "home energy bill(s)".

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In line 1 of subsection(c)(1)(B), "utility bill" has been changed to "home energy bill".

In subsection(c)(1)(D), the phrase "during the winter months" has been inserted after "pay".

A lead-in has been added to subsection(c)(2) which reads: "An applicant who elects to participate in the 12% program must:".

The word "pay" has been moved to the beginning of subsection(c)(2)(A).

In line 3 of subsection(c)(2)(A)(i) and line 5 of subsection(c)(2)(A)(ii) the words "utility service" have been changed to "home energy service".

In line 4 of subsection(c)(2)(A)(iii), the word "utility" has been changed to "home energy".

In line 3 of subsection(c)(2)(A)(iv), "utility" has been replaced by "home energy" and in line 4, the word "service" has been changed to "source".

The phrase "During the winter months" has been inserted at the beginning of subsection(c)(2)(A)(v).

Existing language at subsection(c)(2)(A)(vii) has been deleted and replaced with language moved from subsection(c)(2)(D).

In subsection(c)(2)(B)(ii), the word "utility" has been replaced with "home energy".

In the last line of subsection(c)(2)(C), "(10)" has been changed to "(9)".

In line 1 of subsection(c)(3), the word "applicant's" has been changed to "applicants" as a plural.

In line 3 of subsection(c)(3), the phrase "each program year," has been inserted between "shall" and "be".

In lines 7 and 15 of subsection(c)(4)(B), the word "applicant's" has been replaced with "applicant household".

In line 13 of subsection(c)(4)(B), the word "which" has been changed to "who".

In the first line of subsection(c)(4)(C), the phrase "an amount up to" has been inserted after "be" and in line 2 the word "reconnect" has been changed to "reestablish".



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In subsection(d), the heading "EXPLANATION OF REQUIREMENTS" was deleted. The "i)" before "Verification of Rental Expenses" has been deleted so "Verification of Rental Expenses" becomes the new heading for the subsection. Additionally, subsections(d)(2) and (d)(2)(A) through (F) have been deleted.

Section 100.111

The first sentence of subsection(a)(2) has been replaced with two sentences which read: "The applicant household is eligible to receive monthly benefits for each winter month that they receive AFDC cash assistance from IDPA. To apply for assistance, the applicant must submit a completed IDPA application form "Request for REAPP Payment" to the LAA".

In line 8 of subsection(a)(2), the words "in writing" have been inserted after "vendor" and in line 16 of the same subsection the phrase "at any time" has been deleted.

In the first line of subsection(a)(3), the word "written" has been inserted after "receives".

The first sentence of subsection(a)(4) has been rewritten in part as follows: "A home energy vendor may refuse to accept the notice of eligibility referred to in subsection(a)(3) above if it pertains to a person who is not a customer....".

In line 3 of subsection(a)(5), the word "Section" has been replaced with "Subpart".

The word "assistance" in line 2 of subsection(a)(7)(A) has been replaced with "option".

In line 2 of subsection(a)(7)(D), the word "assistance" has been replaced with "the option".

For clarity, the reference in line 3 of subsection(a)(7)(D), has been changed to "Section 100.110(c)(1)".

The heading of subsection(b) has been changed to "Event of Default" and the first sentence of this subsection has been deleted.

In line 12 of subsection(c)(2), inserted an apostrophe before the "s" in "households".

In line 21 of subsection(c)(2), the word "Department" has been replaced by "IDPA".

The next-to-last sentence of subsection(c)(2) has been changed to read: "Monthly payments to utilities may be greater than the one-sixth

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amount, if during any winter month(s) the monthly payment was less than the one-sixth amount."

The first sentence of subsection(d)(3) has been revised to read: "Each home energy vendor who receives an aggregate total in excess of \$100,000 in REAPP funding attributable to any program year must undergo an audit for that program year by a certified independent accountant to substantiate the total amount requested for credits it extended during the previous winter under Option 2."

Section 100.113

In subsection(a)(2), in line 7, the words "in writing" have been inserted after "vendor" and, in line 18-19, the phrase "at any time" has been deleted.

In the first line of subsection(a)(3), the word "written" has been inserted after "receives".

In the last line of subsection(a)(6), the word "component" has been deleted and "subsection(c)" has been changed to "Option 5".

In the last line of subsection(a)(7), the reference to subsection"(d)" has been changed to "(c)(2)".

In lines 1-2 of subsection(a)(8)(A), the language "and fails to make the payment" has been deleted.

In lines 3-4 of subsection(a)(8)(E), "subsection(a)(7)(B) has been replaced with "this subsection".

Subsection(a)(10) has been deleted.

The heading of subsection(b) has been changed to "Event of Default" and the subsection has been rewritten to read: "Failure by the participating customer to comply with the requirements set forth in this Section shall constitute a default as set forth in Option 5."

The first line of subsection(d)(3) has been revised to read: "Each home energy vendor who receives an aggregate total in excess of \$100,000 in REAPP funding attributable to any program year must undergo an audit for that program year by a certified independent public accountant to substantiate the total amount requested for shortfall credit it extended during the previous winter under Option 5."

Section 100.115

The heading has been changed to "Cooling Assistance". The heading has also been changed in the table of contents.

In subsection(a)(3), line 3, added an "s" to the word "subsection".



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In subsection(d), lines 9-10, "these rules" has been changed to "this Part".

In subsection(g), the cite to the Ill. Rev. Stat. has been deleted because a cite for that Section of the Act is provided earlier in the Part.

Section 100.117

In line 10 of subsection(a), the word "utility" has been replaced with "home energy".

In line 10 of subsection(b), "and 4.3" has been inserted after "Section 4.2" and in line 11, replaced "par. 1304.2" with "pars. 1304.2 and 1304.3".

The introductory sentence in subsection(c) has been deleted, subsection(c)(1) became subsection(c) and has been revised to read: "The ICC administered the Illinois Residential Affordable Payment Program (IRAPP), a percentage of income payment program, through the regulated utilities in the State of Illinois. Program specifics and eligibility can be found in ICC rules entitled "Energy Assistance" (83 Ill. Adm. Code 281). Utility companies operating programs under the Energy Assistance Act may be required to undergo an audit, in accordance with Section 4.3 of the Energy Assistance Act. The ICC shall by order determine the amount properly payable to each utility for supplemental assistance (shortfall) under the program for the period ended November 30, 1987. Within 60 days after entry of each such order, the Department shall pay to the utility the amount which the ICC has found to be properly payable. Within 60 days of the entry by the ICC of an order finding the amount properly payable to a utility for supplemental assistance (shortfall) under the program for the period of December 1, 1987 through October 31, 1989, the Department shall, from the fund appropriated to it for shortfall under the program, pay to the utility the amount which the ICC has found to be properly payable."

Subsection(c)(2) has been renumbered as subsection(d).

Section 100.120

In subsection(d), line 2, "Status Category 1" has been changed to "Status Category 2".

In the first line of subsection(d)(8), "Status Category 2" has been changed to "Status Category 1".

In line 4 of subsection(e), the "i.e." should be changed to "e.g.".

Section 100.Appendix E

The heading of this Section has been changed to match the heading in

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the table contents.

Section 100.Appendix F

The heading of this Section has been changed to "90% of the Adjusted Average Winter Energy Cost (Monthly Allowable Payment)".

The dollar amounts in this Appendix have been revised to reflect monthly rather than yearly payment amounts.

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

12)

Will these amendments replace an emergency amendment currently in effect? No.

13)

Are there any amendments pending on this Part? No.

14)

Summary and Purpose of Amendments: The "State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program" rules are being renamed the "Residential Energy Assistance Partnership Program" and amended to incorporate the provisions of the Energy Assistance Act of 1989 (P.A. 86-127, effective August 2, 1989). Various changes to Sections 100.10 (Legislative Base), 100.70 (Administrative Requirements), and 100.85 (Dispute Procedures) are necessary as a result of this legislation. Section 100.50 is being renamed and text is being added to specify grant termination procedures. Section 100.103 has been added to provide information regarding program implementation, impacting authorities, eligibility, and application initiation. New Section 100.105 specifies the allocation of funds for energy assistance. Section 100.110 is being repealed and the information it previously contained is now addressed in Sections 100.20 (Purpose and Scope), 100.115 (Cooling Assistance Program), and 100.117 (Supplemental Assistance). The text which is replacing repealed language in Section 100.110 specifies assistance status categories and options, benefits, and requirements. Procedures governing application and enrollment, disconnect suspension, payment process, and reporting for Status Category 1 (AFDC) applicants are found in New Section 100.111 and for Status Category 2 (Non-AFDC) applicants in New Section 100.113. Provisions governing determination of eligibility found in Section 100.120 and eligible dwelling units found in Section 100.290 are being revised. Section 100.210 is being repealed so its definitions can be merged with those found in Section 100.30 and modified appropriately. Sections 100.130, 100.140, 100.230, and 100.240 are also being repealed and portions of their text are being moved to and modified in Sections 100.40 (renamed "Local Administering Agency Designation") and 100.45 (renamed "Local Administering Agency Application for Funding"). Appendices A and B are being repealed because the payment amounts provided in the appendices are no longer correct and no new figures will be available until the

15)



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next year a cooling program is operated. Appendixes E and F are being added to provide the "REAPP Direct Payment Matrix" and "90% of the Adjusted Average Winter Energy Cost (Monthly Allowable Payment)".

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director  
Department of Commerce and Community Affairs  
Bureau of Program Administration  
620 East Adams Street, 5th floor  
Springfield, Illinois 62701  
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 100

STATE ADMINISTRATION OF THE FEDERAL-LOW-INCOME  
HOME-ENERGY-ASSISTANCE-BLOCK-GRANT-PROGRAM  
RESIDENTIAL ENERGY ASSISTANCE PARTNERSHIP PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Legislative Base
100.10	Purpose and Scope
100.20	Definitions
100.30	<u>Program-Components-(Recodified) Local Administering</u>
100.40	<u>Agency Designation</u>
100.45	<u>Determination-of-Household-Eligibility-(Recodified) Local</u>
	<u>Administering Agency Application for Funding</u>
	<u>Grant-Application-Requirements-(Recodified) Grant</u>
100.50	Termination
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Nondiscrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	Energy Assistance Program
100.103	Allocation of Block Grant Funds
100.105	Allocation of Illinois Department of Public Aid Funds
100.106	<u>Program-Components Assistance Available</u>
100.110	<u>Status Category 1 Procedures (Applicants on Aid to Families</u>
100.111	<u>with Dependent Children (AFDC) Assistance)</u>
110.113	<u>Status Category 2 Procedures (Applicants not on AFDC</u>
	<u>Assistance - Block Grant Funding)</u>
100.115	Cooling Assistance <u>Component</u>
100.117	Supplemental Assistance
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements <u>(Repealed)</u>
100.140	Eligible Grantees <u>(Repealed)</u>

SUBPART C: WEATHERIZATION

Section	Definitions <u>(Repealed)</u>
100.210	Allocation of Funds
100.220	



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- 100.230 Local Administering Agency Selection (Repealed)  
 100.240 Local Administering Agency Application (Repealed)  
 100.250 Minimum Program Requirements  
 100.260 Allowable Costs  
 100.270 Cost Restrictions  
 100.280 Standards and Techniques for Weatherization  
 100.290 Eligible Dwelling Units
- 100.Appendix A FY'88 IHEAP Income Level Chart/Cooling (Repealed)  
 100.Appendix B FY'88 IHEAP Assistance Level Chart/Cooling Payment Matrix (Repealed)  
 100.Appendix C Medical Certification  
 100.Appendix D Assistance Level Chart Map  
 100.Appendix E REAPP Direct Payment Matrix  
 100.Appendix F 90% of the Adjusted Average Winter Energy Cost (Monthly Allowable Payment)

AUTHORITY: Implementing Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 1304.2) and the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1401 et seq) and authorized by Section 4 of the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 1404) and Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.20).

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 100.10 Legislative Base

- a) Federal
- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). This Act

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established seven block grant programs, including the Low-income Home Energy Assistance Block Grant. These block grants replace a large number of programs previously administered by the federal government. The Act also transferred primary responsibility for the administration of the block grant program to the states and conferred substantial discretion on the states as to the use of block grant funds.

- 2) The Low-income Home Energy Assistance Block Grant was authorized under Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, Sections 2601-2611) and replaces the Home Energy Assistance Act of 1980.
- 3) ~~The Act authorized to be appropriated \$1,875,000,000 for each of the fiscal years 1983, 1983 and 1984 to carry out the purposes of the Act.~~
- 34) States were eligible to receive funds under the Low-income Home Energy Assistance Block Grant on October 1, 1981.
- b) State

On August 2, 1989, the Governor signed the Energy Assistance Act of 1989. The Governor has officially designated the Department of Commerce and Community Affairs as the official administering agency for the Energy Assistance Act of 1989, which includes the Home Energy Assistance Block Grant. On December 15, 1981, the Department of Commerce and Community Affairs submitted the application document to the U.S. Department of Health and Human Services. As part of the application, the State certified that it agreed to use funds available under the Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:

- 1) assistance in the form of cash payments made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
- 2) payments to a home energy vendor on behalf of the eligible household;
- 3) low-cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
- 4) emergency services to an eligible household in an energy-related life-or-health-threatening situation.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)



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## Section 100.20 Purpose and Scope

it is the purpose of this rulemaking to develop regulations and guidelines relative to requirements to the low-income Home Energy Assistance Block Grant within the State of Illinois; the promulgation of a clear-cut program guidelines for the low-income Home Energy Assistance Block Grant will ensure maximum and efficient use of available funds.

- a) The Residential Energy Assistance Partnership Program (REAPP) has been established to carry out the provisions of the Energy Assistance Act of 1989. The State will use the funds available under the Low-Income Home Energy Assistance Block Grant and Title IV of the Social Security Act (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq.) to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:

- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
- 2) payments to a home energy vendor on behalf of the eligible household or direct to the household if its winter energy services are provided by a non-participating home energy vendor;
- 3) supplemental assistance based on a percentage of income option in the form of payments to a home energy vendor on behalf of the eligible household;
- 4) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
- 5) emergency services to an eligible household in an energy-related life-or-health threatening situation.

- b) This Part specifies program guidelines whereby the Department will provide comprehensive energy and weatherization assistance to low-income citizens.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)

## Section 100.30 Definitions

"The Act": Means the Low-Income Home Energy Assistance Act of 1981 The Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1401 et seq.).

"Customer": Any person who is receiving home energy services

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from a home energy vendor and has agreed to pay for those services, or did receive home energy services, during the program year from a home energy vendor and has not changed the home energy vendor for that type of home energy service.

"Default": Failure to make a payment by the due date established in accordance with 83 Ill. Adm. Code 280.90 or the company's normal credit collection practices. For the purposes of Sections 100.111(a)(7)(B) and 100.113(a)(9)(B) of this Part, a customer has not defaulted unless they do not comply with the written notification which is mailed after the due date stated in 83 Ill. Adm. Code 280.90.

"Department": Means the Illinois Department of Commerce and Community Affairs.

"Dwelling Unit": A house, including a stationary mobile home, an apartment, or a room or group of rooms occupied as separate, independent living quarters.

"Elderly Person": A person who is 60 years of age or older.

"Energy Crisis Intervention": Means weather-related and supply shortage emergencies.

"Exxon": The Exxon Oil Overcharge Settlement Trust Fund administered by the U.S. Department of Energy (DOE) in accordance with 10 CFR 440 (1987).

"Grant Agreement": Means the contractual agreement between the Department and Grantee Local Administering Agency, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

"Grantee": Shall mean the local organization administering the Home Energy Assistance Block Grant.

"Handicapped Person": A person who is and who is expected to continue indefinitely to be subject to a physical, developmental, visual, hearing or mental disability, as defined in Section 4A of the Identification Card Act (Ill. Rev. Stat. 1989, ch. 124, par. 24A).

"HHS": United States Department of Health and Human Services.

"Home Energy": Means a source of heating, electrical service, or cooling in residential dwellings.

"Home Energy Vendor": Any sole proprietorship, partnership, joint



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venture, corporation, company or other established business which provides primary and/or secondary energy, including fuel, to residential dwellings and has elected to participate in the REAPP.

"Households": = Means all individuals who occupy a housing dwelling unit. For the purpose of applicants receiving assistance under Section 100.110(b)(1) of this Part, a household shall be defined as those individuals whose names are listed as recipient(s) on the Public Aid Medical Eligibility Card issued by the Illinois Department of Public Aid (IDPA).

"Household Income": = Means gross income received for the past 90 days by all members of the household age 18 or over who are residing in the household at the time of application. Under the Energy Assistance Act of 1989, household income will be calculated for the past 30 days. Households applying for Weatherization Assistance who have not been approved to receive energy assistance under the Act, will have their income calculated for the past 12 months, in accordance with 10 CFR 440 (1987). FOR PURPOSES OF SECTION 100.110(C)(2) OF THIS PART, "MONTHLY HOUSEHOLD INCOME" MEANS AN AMOUNT NO LESS THAN AN AMOUNT PRESCRIBED IN RULES OF THE DEPARTMENT OF PUBLIC AID AS THE MAXIMUM PAYMENT LEVEL UNDER GENERAL ASSISTANCE FOR THE APPLICABLE HOUSEHOLD SIZE IN THE APPLICABLE COUNTY, BUT IN NO INSTANCE SHALL MEAN LESS THAN \$144 PER MONTH (Section (6)(d)(2)(vi) of the Act). Income does not include the following:

Payments for vocational rehabilitation transportation and maintenance;

Reimbursement for other expenses incurred (e.g., medical expenses);

Payments made to others on the household's behalf provided that such payments were not directed by the household (i.e., bills paid or purchases made by others);

Loans (including student loans);

Scholarships, subsistence amounts or student grants;

Assets drawn down as withdrawals from a bank;

Sale of property;

Sale of house or car;

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Tax refunds;

Gifts;

One-time insurance payments or compensation for injury;

Non-cash income;

One-time payments (e.g., death-related benefits, one-time automatic cash payments for energy assistance from the Department of Public Aid; Circuit Breaker Benefits);

Foster-grandparents and Senior Companions stipends;

Foster-parent reimbursement;

Food Stamps;

Job Training Partnership Act (JTPA) benefits; and

Allowances, earnings and payments to individuals participating in programs under this Act.

"Landlord": A person that receives payment for the rental of his/her dwelling unit.

"Local Administering Agency (LAA)": = Means a community action agency or other community-based organization or public agency which is authorized, in accordance with Section 100.14040, to administer low-income home energy assistance program funds received from the Department.

"Low Income Home Energy Assistance Act of 1981": The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, August 13, 1981), Title XXVI - Low Income Home Energy Assistance.

"Multi-Unit Building": A structure containing two or more dwelling units.

"Owner Occupied Building": A building in which the owner is a permanent resident in the building.

"Pre-Program Arrearages": The combined amount owed by a customer to that customer's home energy vendor(s) at the later of November 1, 1989, or the date upon which the customer first becomes a participant in either Option 2 or Option 5 of Section 100.110(b).

"Primary Source of Heat": The energy or fuel type which is the heat source for the central heating system of the residence, or



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if the residence is not centrally heated, the energy or fuel type which constitutes the principal source of space heating.

"Program Year": The period in time starting November 1 and ending October 31 in the following year.

"Public Utility": An entity which is defined as a public utility under Section 3-105 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 3-105).

"Rental Unit": A dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Secondary Energy Source": Energy or fuel used for other than the primary source of heat.

"Separate Independent Living Quarters": Living quarters in which the household members do not live and eat with any other persons in the structure and which have:

either direct access from the outside of the building or through a common hall and

complete kitchen facilities for the exclusive use of the occupants.

"Shortfall": Represents the difference between the billing for energy usage for any given billing period after a customer qualifies for participation in Option 5 and the customer's required percentage of income payment in accordance with Section 100.110(c)(2).

"Single-Family Dwelling Unit": A structure containing no more than one dwelling unit.

"State": The State of Illinois.

"Subgrantee": A Local Administering Agency managing an energy assistance or weatherization project which receives a grant of funds awarded under this Part from the state.

"Unit of General Purpose Local Government": Any city, county, town, village or township.

"Weatherization Materials":

Caulking and weatherstripping of doors and windows;

Furnace efficiency modifications, including, but not

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limited to:

replacement burners, furnaces and permanently installed space heaters (including wood/coal burning stoves), or boilers or any combination thereof;

devices for minimizing energy loss through heating systems, chimney or venting devices;

products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan systems, piping, and duct work); and

electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

Clock thermostats;

Ceiling, attic, wall, floor, and duct insulation

Water heater insulation;

Storm windows and doors, multi-glazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

The following insulating or energy conserving devices or technologies:

Skirting;

Items to improve attic ventilation;

Vapor barriers;

Materials used as a patch to reduce infiltration through the building envelope;

Water flow controllers;

Movable insulation systems for windows;

Material to construct vestibules;

Pipe and boiler insulation;

Heat exchangers;

Thermostat control systems;



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Replacement windows and doors;

Materials used for water heater modifications which will result in improved energy efficiency;

Hot water heat pumps;

Waste heat recovery devices;

Materials used for heating and cooling systems tune-ups, repairs, and modifications which will result in improved energy efficiency; and

Materials used for boiler tune-ups, repairs, and modifications which will result in improved energy efficiency.

"Weatherization Project": A project conducted in a designated geographic area which undertakes the weatherization of dwelling units that are energy inefficient.

"WINTER": THE PERIOD FROM NOVEMBER 1 OF ANY YEAR THROUGH APRIL 30 OF THE FOLLOWING YEAR (Section (3)(d) of the Act).

"Winter Energy Services": Home energy provided during the six-month period of November through April of the following year.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)

Section 100.40 Program-Components--(Recodified) Local Administering Agency Designation

a) The following local entities are eligible to apply for designation as LAAs under the REAPP:

1) Any organization which was officially designated as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964, as amended.

2) Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering an Energy Assistance or Weatherization Program according to the guidelines established by the Department in accordance with this Section.

3) A unit or combination of units of general purpose local governments of the State.

b) In designating LAAs, the Department will comply with those rules

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and regulations set forth in 45 CFR 96 (1988) and 10 CFR 440.15 (1987) which provide the federal standards governing LAA selection for the Energy Assistance Program (the U.S. Department of Health and Human Services [HHS] and the U.S. Department of Energy [DOE] weatherization assistance program (funded by DOE and Exxon funds). LAAs must be designated by the Department, in accordance with this Section, to operate the DOE and Exxon funded programs of the Illinois Home Weatherization Assistance Program (IHWAP) in order to be eligible to receive financial assistance for the IHWAP covered by this Part.

c) When designating LAAs to carry out REAPP, the Department shall give special consideration in the designation of such agencies to any local public or private non-profit agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of Section 2605 (a)(2)(b)(6) of Title VII of the Low Income Home Energy Assistance Act of 1981. Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected.

(Source: Former Section 100.40 recodified to Section 100.110 at 11 Ill. Reg. 4631, new Section adopted at 14 Ill. Reg. 13440, effective August 8, 1990)

Section 100.45 Determination--of-Household--Eligibility--(Recodified) Local Administering Agency Application for Funding

a) To be eligible for financial assistance, a local agency must be designated by the Department to operate the Energy Assistance or Weatherization Program contained in this Part.

1) Where a local agency has been designated by the Department, in accordance with Section 100.40, to operate the Energy Assistance or Weatherization Program for a county or counties, only that designated local agency may apply for financial assistance.

2) Where no local agency has been designated by the Department to operate these programs, that agency which is successful in its request for proposal bid to operate the aforementioned programs shall be awarded financial assistance under this Part. The proposal will be evaluated in accordance with 10 CFR 440.15(a)(1989) and Subparts A, B, C, D, E, F, and H of 45 CFR 96 (1988).

b) Applicants will be required to meet program and fiscal requirements prior to the submittal of an application for funding. Applications will not be processed nor grants awarded



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prior to the Department's review of the applicant's performance in the following four areas:

- 1) an effective outreach referral program (evidenced by services to clients in accordance with their incidence in the census-based client population of the service area);
- 2) a continuing planning process and capability (evidenced by demonstrated applicant staff capability to complete federal and/or state grant applications and reporting documents containing qualitative and quantitative objectives);
- 3) an accounting system in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (1989), 1211 Avenue of the Americas, New York, NY 10036-8775; and
- 4) an effective citizen participation/community involvement program.

c) In preparing the application for funding assistance for programs contained in this Part, applicants will be required to submit the following items:

- 1) Application for Assistance: The Department will require the submittal of a form provided by the Department which requires the basic information needed for grant award documentation and for the Department's review purposes.
- 2) Annual Work Program: The work program will narrate the activities as required by the Department to be undertaken utilizing the grant funds. The work program must include at a minimum such items as provisions for staff, coordination with other delivery agencies and a description of how the agency intends to deliver its basic services.
- 3) Annual Budget: The applicant shall submit a grant budget by cost categories, on the budget summary form and detail sheets provided by the Department.
- 4) Statement of Coordination: The grant applicant will be required to outline its program of coordination with other agencies and programs. The statement shall include coordination mechanisms established by the applicant and cite interagency agreements or contractual arrangements used in support of coordinated service delivery.
- 5) Assurances and Certifications: In a form and manner provided by the Department, the applicant will be required

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to certify its compliance with all applicable state and federal laws and regulations as detailed in this Part dealing with the receipt and expenditure of grant monies, as provided on the grant application.

6) Additional Grant Application Submittals: These include:

- A) Name, address, telephone number of the agency responsible for administering the projects as well as signatures designating responsibility for the grants;
- B) The "Notice of Grant Award" and grantee acceptance;
- C) The "Method of Compensation, Fiscal Recording/Reporting Requirements";
- D) The "Terms and Conditions Governing the Grant";
- E) The "Scope of Work" which insures programmatic controls, such as training, staffing, outreach, and reporting; and
- F) Any information which the Department deems necessary to clarify or document information provided in the application.

d) The Department will use the following standards to select grantees for special demonstration projects. The weight to be given to each standard will be dependent on the nature of the project, keeping in mind the Department's goal of equally representing all areas of the State.

- 1) The Department will consider the applicant's experience in the particular type of weatherization project to be implemented.
- 2) The Department will consider the qualifications of the applicant's personnel as related to the particular type of weatherization project to be implemented.
- 3) The Department will evaluate the methodology proposed by the applicant for completion of the project under consideration.
- 4) The Department will evaluate the ability of the applicant to complete the project under consideration as evidenced by factors specified in subsections (d)(1), (2), (3), (5) and (6).



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5) The Department will evaluate the applicant's timetable for completion of the project both in terms of other applicants and whether or not the timetable appears to consist of a realistic statement of goals.

6) The Department will evaluate the applicant's budget both in comparison to other applicants and to determine whether or not the proposal is a realistic assessment of the costs of the project.

(Source: Former Section 100.45 recodified to Section 100.120 at 11 Ill. Reg. 4631, new Section adopted at 14 Ill. Reg. 13440, effective August 8, 1990.)

Section 100.50 Grant-Application-Requirements-(Recodified) Grant Termination

If the Department determines that it is in the best interests of the program to revoke the designation of a LAA, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the "best interests" of the program will depend on the agency's success in complying with the grant agreement.

a) Any LAA, either established (i.e., local designation and state recognition) under the Residential Energy Assistance Partnership Program and/or Weatherization Program in accordance with the Act will be awarded continuing program administering responsibilities in its established jurisdiction unless the following shall occur:

1) written communication to the Department stating its desire to discontinue operation of the program;

2) material failure by the LAA to comply with the Low Income Home Energy Assistance Act of 1981, 10 CFR 440.45 CFR 96.2 the provisions of the grant agreement, and the provisions of 47 Ill. Adm. Code 1 and 100. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a LAA insolvent, and denial of access to records of grant-related transactions.

b) Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:

1) The Department shall notify the LAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the LAA that, in accordance with this Part, it is entitled to a hearing. The LAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes

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to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:

A) a requirement that the LAA (in order to receive continued funding) shall agree to submit to a Department appointed official, throughout the termination process, to serve as a reviewer of all program-related expenditures which are reimbursable under Sections 100.70 and 100.260 of this Part) and which comply with the objectives and program activities specified in accordance with Subparts A and B of this Part; or

B) in the event the LAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to this Part.

2) The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1989, ch. 110A, pars. 701-774), will be obtained by the Department, as will the services of a certified shorthand reporter, under the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1989, ch. 111, pars. 6201 et seq.). Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the LAA and grantor agency at least ten (10) days prior to the hearing. The cost of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The LAA shall bear the cost of its copy of the transcript of proceedings.

c) The hearing shall be conducted in accordance with 47 Ill. Adm. Code 10. The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.

d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to this Section (see Section 100.50). The Department will notify the LAA in writing of the Department's final determination within thirty (30) days.

(Source: Former Section 100.50 recodified to Section 100.130 at 11 Ill. Reg. 4631, new Section adopted at 14 Ill. Reg. 13440, effective August 8, 1990.)



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## Section 100.70 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follows are applicable.

## a) Budget Modification

The Grantee LAA cannot be reimbursed for excessive costs incurred against total program or administrative cost category amounts. Within a specific cost category, the Grantee LAA may be reimbursed for costs exceeding amounts budgeted by line item, if the variance is within 10% of the original line item as set forth in the Budget.

- 1) The Grantee LAA must, in writing, request of the Department a budget modification if expenditures exceed the budget limitations set forth below:

- A) Total program budget amount;
- B) Total administration cost category amount and any line item amount within the cost category;
- C) More than 20% of the special cost category budget amount;
- D) More than 20% of the direct client assistance cost category budget amount or the materials line item budget amount; and
- E) More than 20% of any line item budget amount within the program support cost category except the contractual services, paid labor, and equipment budget amounts.

- 2) Any decrease to the paid labor or materials line item cost categories requires approval in writing of the Department. Failure by the Grantee LAA to request approval of the Department of budget variations, consistent with the limitations stated in Section 100.70(e)(5)(A) of this Part, shall be deemed sufficient reason for the Department to disallow costs incurred in excess of such limitations even if such costs are within the limits for the program or administration cost categories.

- 3) If the Grantee LAA wishes to make modifications to the Grant Agreement which exceed the limits specified in Section 100.70(e)(5)(A) of this Part or modify those line items or cost categories which are restricted, the Grantee

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LAA must submit a formal standardized written modification request to the Department prior to expenditure of funds in a manner other than the approved budget.

- 4) The Department will approve modification requests if they are necessary to achieve program objectives; required by increases or decreases in program funding; or result in greater program cost efficiencies. If the Department approves the modification request, the Grantee LAA will be notified in writing of the change and effective date. If the Department rejects the modification, the Department will notify the Grantee LAA in writing of the reason(s) for denial.

- b) Reporting - An Expenditure Summary and Payment Request shall be submitted to the Department on or before the tenth calendar day of each month after the first month of the program year, using forms the format provided by the Department.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)

## Section 100.85 Dispute Procedures

Applicants shall be provided with an opportunity for a fair administrative hearing when claims for energy assistance are denied or are not acted upon within prescribed timelines (see Section 100.120(d)(e)), or if the applicant disputes the amount or type of assistance granted. Local Administering Agencies (LAAs) shall inform each applicant of their right to the appeals process. This Section does not apply to applicants for assistance under Options 1 through 3 found in Section 100.110(b)(1)(A) through (C). Such applicants shall follow the dispute procedures outlined in 89 Ill. Adm. Code 102.80. The hearing and appeals process includes three levels of appeal: the informal conference, the state review, and the formal hearing.

## a) The Informal Conference

- 1) This process consists of an initial informal conference held by a staff hearing officer of the LAA at which the applicant applied. This informal conference is designed to ensure that the applicant understands the reason(s) for the action taken by the LAA and to ensure that the application was processed in accordance with Section 100.120.
- 2) Any applicant receiving or denied energy assistance has a right to request an informal conference within thirty (30) days of receipt of a denial notice of a decision on the applicant's application.
- 3) Any applicant who has submitted a completed application but



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has not been notified of the application status within thirty (30) days of the date of a complete application, has a right to request an informal conference within sixty (60) days of the date the application was complete.

- 4) Any applicant requesting an informal conference shall be furnished the reason for the decision on denial-of-his/her application and be allowed to review the documents leading to the decision prior to the informal conference.

- 5) The informal conference must:

A) be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined;

B) be conducted by an LAA staff member who was not involved in the original decision (the ~~Illinois-Home Energy-Assistance-Program~~ ~~-(HEAP)~~ REAPP coordinator may also attend);

C) be held within fifteen (15) calendar days of the receipt of request;

D) afford the applicant an opportunity to bring an interpreter and/or representative; and

E) allow the applicant to present oral and written testimony on his/her behalf.

- 6) The LAA will give the applicant a written statement at the end of the conference describing the result of the conference and citing the policy reasons for the decision. A copy of this report must be filed in the applicant's file.

- 7) In the event of a finding in support of an applicant ~~whose application has been denied by the LAA~~, the LAA shall, within fifteen (15) days of the finding, process the application and notify the applicant and the home energy vendor(s) in writing of the applicant's eligibility. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy vendor(s) within forty-eight (48) hours. In the event of a disapproval, the LAA shall provide the applicant with a Request for State Review Form. The request must specify the LAA at which the household applied for assistance, whether the LAA has held an informal conference, and the reasons for requesting a state review.

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## State Review

b)

A request for state review must be filed with the Department within thirty (30) days after the informal conference. If the request is timely made, the Department will appoint a state reviewing officer who will review the applicant's file and the informal conference report. A written decision will be made. The request is considered made on the day the request is received by the Department (per the date stamp on the correspondence). The Department will notify the LAA that a request for state review has been filed. The LAA must, within five (5) days of the request for state review, provide both the Department and the applicant with a full copy of the applicant's file. A state reviewing officer will review the file to determine if the application contains all information required in Section 100.120(e)(d) and all testimony presented at the informal conference. The state reviewing officer shall ascertain if the applicant was provided with a Request for State Review Form in accordance with subsection (a)(7) and determine if the informal conference decision regarding eligibility was correct (see Section 100.120(b) for eligibility criteria). This determination will be made and a letter sent to the applicant and the LAA within fifteen (15) days of the request for state review. In the event of a finding in support of an applicant ~~whose application has been denied by the LAA~~, the LAA shall approve and process the application or modify the assistance granted, and notify the applicant and the home energy vendor(s) in writing within fifteen (15) days of notification of the finding from the State. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy vendor(s) within forty-eight (48) hours of notification of the finding from the State. In the event of a disapproval, the State shall provide the client with a Request for Formal Review Form. The request must specify the LAA at which the household applied for assistance, whether an informal conference has been held, if the state review has been conducted and the household notified of the decision, and the reasons for requesting a formal hearing.

## The Formal Hearing

c)

If not satisfied with the results of the state review, the applicant must request a formal hearing by sending a written request to the Department who will notify the LAA that the request has been made by the applicant. This request must be received by the Department within thirty (30) calendar days of the date on which the state review letter was mailed by the Department. The Department will provide the applicant with a notice of the hearing in accordance with Section 10 of the



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Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1010). The hearing will be conducted by a hearing officer, who has not participated in any earlier decision concerning this application, within thirty (30) days from the date the formal hearing request was received by the Department. The formal hearing will meet the following standards.

- 1) The hearing will be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined.
- 2) The applicant will be afforded an opportunity to review his/her file.
- 3) The hearing will be tape-recorded.
- 4) The decision will be based on the record, which will comply with Section 11 of the Illinois Administrative Procedure Act (111-Rev-Stat-1987, ch-127, par-1011) and which will be made pursuant to the procedures set forth in Section 13 of the Illinois Administrative Procedure Act (111-Rev-Stat-1987, ch-127, par-1013). The hearing officer will determine if the household is eligible in accordance with Section 100.120(b).
- 5) If requested by the applicant, the applicant will be provided interpretive and auxiliary services (e.g., transportation).
- 6) The applicant will have the right to:
  - A) be accompanied and/or represented by another;
  - B) present written and oral statements and other evidence in accordance with Section 12 of the Illinois Administrative Procedure Act (111-Rev-Stat-1987, ch-127, par-1012);
  - C) bring an interpreter ; and
  - D) present and question witnesses.
- 7) Within ten (10) days of the formal hearing, the state appeals review board shall send a written determination to the applicant and the LAA in accordance with Section 14 of the Illinois Administrative Procedure Act (111-Rev-Stat-1987, ch-127, par-1014).
- 8) In the event of a finding in support of an applicant whose

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application has been denied by the LAA, the LAA shall, within fifteen (15) days of notification of the finding, process the application or modify the assistance granted and notify the applicant and the home energy vendor(s) in writing of the applicant's eligibility. In the case of an emergency application, the LAA will process the application and notify the applicant and the home energy vendor(s) within forty-eight (48) hours.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)

## SUBPART B: ENERGY ASSISTANCE

## Section 100.103 Energy Assistance Program

## a) IMPLEMENTATION

This Part institutes the energy assistance program mandated by the Energy Assistance Act of 1989. This assistance program shall be known as the "Residential Energy Assistance Partnership Program" (REAPP).

## b) IMPACTING AUTHORITIES

The following authorities, among others, affect the implementation or operation of REAPP:

- 1) The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which affects eligibility requirements and the use of Low-Income Home Energy Assistance Block Grant funds use in REAPP.
- 2) Article IV of the Illinois Public Aid Code dealing with Aid to Families with Dependent Children.
- 3) The Illinois Residential Affordable Payment Program rules (83 Ill. Adm. Code 281) which cover the phase out of benefits under that program.
- 4) The Public Utilities Act and the rules applicable thereto (83 Ill. Adm. Code 280).

## c) ELIGIBILITY

Any individual who is a resident of the State of Illinois and whose household income is not greater than 125% of the federal non-farm poverty level as established by the federal Office of Management and Budget (or their successor in responsibility) is eligible to apply for benefits under REAPP.



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## d) APPLICATION INITIATION

Individuals may apply for assistance under REAPP at the Local Administering Agency (LAA) office serving the area in which the applicant's dwelling unit is located. Individuals applying for assistance under Status Category 1 (AFDC) of REAPP shall be given an application upon request. A current list of LAA offices may be obtained by calling or writing any office of the Department.

(Source: Added at 14 Ill. Reg. 13440 \_\_, effective August 8, 1990 \_\_)

## Section 100.105 Allocation of Block Grant Funds

a) The Department shall allocate financial assistance for each county from sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.

b) The Department shall determine allocations for each county from available funds.

1) At least 50% of the funds available shall be allocated to each county based on the "Index of Need".

A) The "Index of Need" is comprised of six factors which are:

- i) Unemployment;
- ii) Heating Degree Days;
- iii) Fuel Cost Factor Per 100,000 BTUs;
- iv) Persons in Poverty (125% of the Office of Management and Budget (OMB) Poverty Income Guidelines);

v) Elderly in Poverty (125% of OMB Poverty Income Guidelines); and

vi) Handicapped (or disabled) persons in Poverty.

B) Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:

i) average number of unemployed persons per county divided by total average number of unemployed

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persons for State = unemployment (15%);

ii) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);

iii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State = fuel cost factor per 100,000 BTUs (5%);

iv) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (50%);

v) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly in poverty (15%); and

vi) number of disabled persons in poverty per county divided by total number of disabled persons in poverty for State = handicapped (or disabled) in poverty (10%).

c) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.

2) The remaining funds shall be held by the State for meeting those program contingencies which cannot be reasonably anticipated (e.g., an unusually high need for energy assistance in any given county) and to meet the local agencies' administrative and/or outreach needs.

c) The Department shall increase or reduce the allocation for a county for any of the following reasons:

1) Changes in federal or state fund availability.

2) Changes in sums available for any fiscal year from the Low Income Energy Assistance Block Grant as described in the State's annual plan to HHS.

3) The Department determines that the level of applications, which are eligible under Section 100.120, differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.



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- d) The Department shall notify the designated LAAs of the county allocation(s) for which that agency is eligible to apply. Where no agency has been designated, the county allocation(s) will be included in a request for proposal which shall be publicly advertised in the state newspaper and in at least one local newspaper within the area to be served.

(Source: Added at 14 Ill. Reg. 13440 \_\_, effective August 8, 1990)

## Section 100.106 Allocation of Illinois Department of Public Aid Funds

- a) The Department shall allocate Illinois Department of Public Aid funds to designated LAAs to operate the AFDC component of REAPP in accordance with Sections 100.110(b)(1) and 100.111 of this Part. The Department shall determine LAA allocations for administrative and program related costs as follows:

1) The Department shall determine the administrative allocation for the AFDC component of REAPP. This determination shall be based on the percentage of AFDC workload (estimated number of applications, staff processing and support, data entry for home energy billing, etc.) compared to the overall workload of the Block Grant component of REAPP. When the AFDC workload percentage has been determined, it will be multiplied against the administrative allocation of the Block Grant component. For example, if the Department determines that the AFDC component workload represents an additional 20% of administrative effort compared to the Block Grant component, then the LAAs shall receive an administrative allocation of Public Aid funds equal to 20% of the administrative funding of the Block Grant component of REAPP.

2) Funds for program related costs shall be allocated on the basis of the number of eligible AFDC households (per county based on estimates from the Illinois Department of Public Aid) in the LAA's service area. A reimbursement fee shall be paid to the LAA for each AFDC application that is taken.

- b) Payments to the eligible AFDC households under the AFDC component shall be made in accordance with Section 100.111(c) of this Part.

(Source: Added at 14 Ill. Reg. 13440 \_\_, effective August 8, 1990)

## Section 100.110 Program-Components Assistance Available

- a) As indicated in Section 100.10(b) of this Part, the State has certified to the federal government that it will use the funds

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available under the Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:

- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
- 2) payments to a home energy vendor on behalf of the eligible household;
- 3) low-cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
- 4) emergency services to an eligible household in an energy-related life or health threatening situation.

b) In order to carry out this program the State will annually establish its program design. Contingent upon the amount of funding provided to the State, the program will consist of one or more of the following components:

## 1) Home Energy Assistance

A) The first and largest component of the program is designed to provide eligible households with financial assistance to help them meet the rising costs of home energy. Home energy is defined as the primary source of energy used by the eligible household to heat or where medically necessary, cool the household's residence. Cooling assistance will be provided only if sufficient funds are remaining as of July 1 of the program year. The Illinois Home Energy Assistance Program will provide assistance to eligible households in two forms: direct cash assistance and payments made to vendors on behalf of eligible households.

B) In order to carry out this component, the Department of Commerce and Community Affairs will utilize delegate agencies and/or local administering agencies to provide assistance.

## 2) Emergency Assistance

If sufficient funding is available, the Department of Commerce and Community Affairs will set aside an amount of the Illinois allocation for use in emergency situations. A distinction will be made between weather and supply



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emergencies which affect the entire eligible population and energy-related emergencies which affect an individual household. Under this component, both types will receive consideration in the event of a weather-related natural disaster such as a major blizzard; the Department of Commerce and Community Affairs will develop its response based upon what is needed to eliminate the threat to life and health. Activities under this component will be coordinated with the State Emergency Services and Disaster Agency, local disaster relief agencies, and the network of local administering agencies. In addition, individual responses to energy-related emergencies (as previously described) affecting single households will be available under the Emergency Assistance Component. Emergency Assistance will be provided only after a household has actually been disconnected from its primary heat source; its cooling source or any secondary energy source which is an integral part of the primary heating system (i.e., secondary source is needed to produce heat). An eligible household may receive an emergency service payment up to \$600 depending on the amount needed to reconnect. No payment may be made unless reconnection is verified with the utility. All payments are made to the utility which disconnected the applicant on behalf of the applicant.

3)

## Home Weatherization Assistance

The Department of Commerce and Community Affairs will annually utilize up to the maximum 15 percent allowable under the provision of the law to operate a Weatherization component. The purpose of the Weatherization component is to decrease the amount of energy consumed by low-income households and thereby reduce the financial strain on the resources of such households. Energy assistance funds will be used to supplement the Weatherization program which is federally funded by the Department of Energy (DOE).

4)

## Supplemental Assistance

A) The Department will operate a supplemental assistance component which will provide supplemental energy assistance payments to utility companies on behalf of households who are eligible for energy assistance (see Section 180.120 for eligibility) and have participated in a percentage of income payment program. A percentage of income program is a program for eligible low-income utility customers which is designed to lower their bills. To receive assistance the household must pay a percentage of their income

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toward their utility bills. Operation of this component is contingent upon availability of funds through state appropriations.

B)

The supplemental payments will be made on the household's behalf to all utility companies who provide or have provided service pursuant to a percentage of income payment program. The actual amount of the supplemental payments will be the difference between the billings for service used by the household and the customer's monthly payments due under the program minus any energy assistance payments made to the customer's account on behalf of the household. This includes both payments made directly by the household and payments received by the utility company on the household's behalf. In accordance with Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1364.2; as added by P.A. 85-1431, effective January 9, 1989) and Section 180.110(b)(4)(C), the Department shall make supplemental payments to utility companies that participate in percentage of income payment programs in Illinois.

C)

In order for the Department to make supplemental payments to utility companies, the amount must be investigated and verified through an audit of individual customer accounts for the purpose of insuring accuracy of supplemental payments.

i)

The Illinois Commerce Commission (ICC) administers the Illinois Residential Affordable Payment Program (INAPP), a percentage of income payment program through the regulated utilities in the State of Illinois. Program specifics and eligibility can be found in ICC rules entitled "Energy Assistance" (83 Ill. Adm. Code 281). Utility companies operating programs under the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1361 et seq.) must undergo an audit and participate in hearings regarding the supplemental assistance amount. The ICC will determine which utilities they are able to audit using ICC staff. The audits of all other utilities will be conducted by an independent auditor. Contested hearings will be conducted by the ICC to verify the supplemental payment amounts each utility company is eligible to receive. A separate



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hearing will be conducted for each affected utility. The hearings will be in accordance with Sections 10, 11, and 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1010, 1011, and 1012). No payments will be made by the Department to a utility until the fee issues an order indicating the amount of reimbursable shortfall. The Department will then enter into a contract with each utility allowing disbursement of payment.

ii) Utilities not regulated by the fee, which participate in other percentage of income programs, shall submit a letter to the Department requesting supplemental assistance. Each utility must undergo an independent audit by an independent accountant to substantiate the supplemental assistance amount that it has requested. A copy of the audit report must be submitted to the Department. The audit report shall specify what information was audited, the procedures performed, the utility's compliance with the provisions set forth in this part, and the auditor's findings. The supporting working papers for the audit shall be made available to Department staff for review. The Department will then enter into a contract with each utility allowing disbursement of payment.

a) ASSISTANCE CATEGORIES

All applicants eligible for assistance under REAPP must receive assistance under one of the following status categories:

- 1) STATUS CATEGORY 1: as a recipient of public assistance pursuant to Section 4.1 of the Illinois Public Aid Code, in which case the applicant may obtain assistance under options 1, 2, 3, 7 or 8 of subsection (b) and subject to the "Status Category 1 Procedures (Applicants on AFDC)" of Section 100.111, and other applicable provisions of this Part.
- 2) STATUS CATEGORY 2: as a non-recipient of public assistance pursuant to Section 4.1 of the Illinois Public Aid Code, in which case the applicant may obtain assistance under options 4, 5, 6, 7 or 8 of subsection (b) and subject to the "Status Category 2 Procedures (Applicants not on AFDC Assistance - Block Grant Funding)" of Section 100.113, and

other applicable provisions of this Part.

b) ASSISTANCE OPTIONS

1) AFDC Recipients

An eligible applicant who is a recipient of public assistance pursuant to Section 4-1 of the Illinois Public Aid Code may receive energy assistance under one of the following options:

A) OPTION 1

i) If the applicant is not a customer of a home energy vendor for winter energy services; and, is not an applicant for winter energy services from a home energy vendor; and, has housing rental expenses greater than 30% of his/her household income.

ii) THEN the applicant shall receive one direct cash payment as prescribed in Section 100. Appendix E per program year.

iii) SUBJECT TO the following conditions and other applicable requirements of this Part the applicant must: provide verification of rental expenses, and attest that he/she is not a customer or applicant of winter energy services from a home energy vendor.

B) OPTION 2

i) If the applicant is the customer of a home energy vendor for winter energy services; or, is an applicant for winter energy services from a home energy vendor; and, is listed as a recipient on the Illinois Department of Public Aid (IDPA) Medical Eligibility Card; and elects to participate in the 90% average program.

ii) THEN the applicant shall: have the account or accounts of the home energy vendor(s) serving the applicant credited in each winter month in an amount prescribed in Section 100. Appendix F. In no case may the amount credited be greater than the actual amount of the applicant's bills for winter energy services; be entitled to have his/her pre-program arrearages for home energy



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reduced as provided in subsection (c)(3), if the applicant's pre-program arrearages (defined in Section 100.30) are \$500 or more, at the time of completed application.

iii) SUBJECT TO the following conditions and other applicable requirements of this Part, the applicant must: comply with the requirements of the 90% average program as stated in subsection (c)(1); make all reasonable efforts to apply to any other appropriate source of public energy assistance; sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer whether public or private; and when moving from one residence to another, notify the old and new home energy vendor(s) and the LAA of the change of address and of the fact of their participation in the program.

## C) OPTION 3

i) IF the applicant: is a customer of a home energy vendor for winter energy services; or, is an applicant for winter energy services from a home energy vendor; and, is named as a recipient on the Illinois Department of Public Aid Medical Eligibility Card; and, has received a notice of disconnection; or, has had his/her utilities disconnected by action of the home energy vendor; and, has declined to participate in the 90% average program.

ii) THEN the applicant shall: receive a direct energy assistance payment for each winter month in the amount prescribed in Section 100.30. Appendix F. In no case, however, may the payments during the winter be greater than the actual amount of the bills for winter energy services.

iii) SUBJECT TO the following conditions and other applicable requirements of this Part, the applicant must: except for the first payment under this option, provide proof (as a condition precedent to any further payments) that an amount equal to, or greater than the last payment received under this option has

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been paid to the home energy vendor(s) and applied to the applicant's account.

## 2) Non-AFDC Recipients

An eligible applicant who is not a recipient of public assistance pursuant to Section 4-1 of the Illinois Public Aid Code may receive energy assistance under one of the following options:

## A) OPTION 4

i) IF the applicant: is not a customer of a home energy vendor for winter energy services; and, is not an applicant for winter energy services from a home energy vendor; and, has housing rental expenses greater than 30% of his/her household income.

ii) THEN the applicant shall receive one direct cash payment as prescribed in Section 100.30. Appendix E per program year.

iii) SUBJECT TO the following conditions and other applicable requirements of this Part, the applicant must provide verification of rental expenses, and attest that he/she is not a customer or applicant for winter energy services from a home energy vendor.

## B) OPTION 5

i) IF the applicant: has a household member who is a customer of a home energy vendor for winter energy services; or has a household member who is an applicant for winter energy services; and elects to participate in the 12% program.

ii) THEN the applicant shall: have paid to the home energy vendor(s) providing winter energy service an amount sufficient to cover the applicant's Shortfall on his/her winter month bills; be entitled to have his/her pre-program arrearages for home energy reduced as provided in subsection (c)(3), if the applicant's pre-program arrearages (defined in Section 100.30) are \$500 or more, at the time of completed application.



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iii) SUBJECT TO the following conditions and other applicable requirements of this part, the applicant must: comply with the requirements of the 12% program (as stated in subsection (C)(2)); and, make all reasonable efforts to apply to any other appropriate source of public energy assistance; and, sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer, whether public or private; and when moving from one residence to another, notify the old and new home energy vendor(s) and the LAA of the change of address and of the fact of their participation in the program.

C) OPTION 6

i) IF the applicant: has a household member who is a customer of a home energy vendor for winter energy services; or, has a household member who is an applicant for winter energy services from a home energy vendor; and, elects not to participate in the 12% program,

ii) THEN a one-time payment will be made to the home energy vendor(s) per program year on behalf of the applicant in the amount prescribed by Section 100.Appendix E.

3) All Eligible Applicants

An eligible applicant may receive energy assistance under any one or more of the following options:

A) OPTION 7 (EMERGENCY ASSISTANCE)

i) IF the applicant: is a customer of a home energy vendor for winter energy services, and, was receiving home energy vendor services but is now disconnected,

ii) THEN the applicant shall receive emergency assistance consisting of an amount up to the minimum amount needed to reestablish the applicant's winter energy service, but not more than one-fifth of the total amount owed by the applicant,

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iii) SUBJECT TO the emergency assistance program requirements (as provided in subsection(C)(4)).

B) OPTION 8

i) IF the applicant: is not receiving energy assistance under any of the Options 1 through 6 of this Section; and is a customer or has a household member who is a customer of a home energy vendor for winter energy services for the household and the home energy vendor is not subject to regulation by the Illinois Commerce Commission,

ii) THEN solely for the purpose of determining what benefit option(s) are available to the applicant, the applicant shall: be treated as if his/her home energy vendor was regulated by the Illinois Commerce Commission; and receive assistance under the appropriate option identified through application of the foregoing treatment.

iii) SUBJECT TO the requirement that even though the applicant's home energy vendor is treated as being subject to regulation by the Illinois Commerce Commission for the purpose of establishing which benefit option(s) are appropriate for the applicant, the benefits and administration of the benefit received by the applicant shall be in accordance with procedures applicable to a home energy vendor who is not regulated by the Illinois Commerce Commission.

c) EXPLANATION OF BENEFITS1) 90% AVERAGE PROGRAM

An applicant who elects to participate in the 90% average program must:

A) pay during the winter months the difference between the actual home energy bill(s) for services provided during each month, and the 90% adjusted average winter energy cost detailed in Section 100.Appendix F that will be paid by the Department;

B) pay his/her full home energy bill during the



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non-winter months;

C) pay \$5 per month year round toward his/her arrearages until the arrearage balance is zero;

D) pay during the winter months one-sixth of any outstanding deposit requested at the time of application;

2) 12% PROGRAM

An applicant who elects to participate in the 12% program must:

A) pay during the winter months, the appropriate percentage of monthly household income under subsections (i) through (iv) below, and in addition, the amounts determined under subsections (c)(2)(A)(v), (vi) and (vii) below:

i) 12% of the monthly household income to the home energy vendor which provides the customer's primary source of heat and secondary home energy service; or

ii) 8% of the monthly household income to the home energy vendor which provides the customer's primary source of heat and 4% of the monthly household income to the home energy vendor which provides the secondary home energy service; or

iii) 8% of the monthly household income to the home energy vendor that provides the primary source of heat when the home energy vendor which provides the secondary home energy is not regulated by the Illinois Commerce Commission; or

iv) 4% of the monthly household income to the home energy vendor that provides the secondary home energy service when the home energy vendor which provides the primary source of heat is not regulated by the Illinois Commerce Commission; and in addition;

v) during the winter months one-sixth of any outstanding deposit requested at the time of application; and

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vi) a total amount of five dollars (\$5) each month of the calendar year to be applied against any outstanding pre-program arrearages until the time that such arrearages are retired to a balance of zero (\$0); and

vii) beginning November 1, 1991, applicants participating in Option 5 of subsection (b) shall pay for all energy usage above typical residential usage, adjusted for weather, unless the applicant has a medical excuse as certified to the home energy vendor by a licensed physician or local Board of Health. The Department shall promulgate standards to be used in calculating typical residential usage pursuant to the requirements of this subsection.

B) Pay monthly during the period from May 1 through October 31, the greater of the amounts required by subsections (c)(2)(B)(i) and (ii) below; and in addition, the amount required by subsection (c)(2)(B)(iii) below:

i) the appropriate percentage of monthly household income in the manner specified in subsections (c)(2)(A)(i) through (iv); or

ii) the current home energy bill or bills; and

iii) a total amount of five dollars (\$5) each month of the calendar year to be applied against any outstanding pre-program arrearages until the time that such arrearages are retired to a balance of zero (\$0); and

C) Provide proof of eligibility annually between October 1 and December 31 after beginning participation in the program pursuant to the requirements of Section 100.113(a)(9) of this Part.

3) PRE-PROGRAM ARREARAGE REDUCTION

The home energy vendor(s) of applicants who are entitled to pre-program arrearage reduction (subsection (b)(1)(B), Option 2 and subsection (b)(2)(B), Option 5) shall, each program year, be paid by the Department an amount equal to 1/5 of the applicant's pre-program arrearages, less \$60. Payment for pre-program arrearages shall be credited by the



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home energy vendor receiving the payments to the account of the applicant where the arrearages are posted. The home energy vendor will notify the Department of the applicant's pre-program arrearage at the same time as the home energy vendor submits its first request for payment to the Department.

4) EMERGENCY ASSISTANCE PROGRAM REQUIREMENTS

A) Assistance under Option 7 will be limited to the provision of energy assistance funds designed to help applicants obtain a continuous supply of home energy and expedited processing. Emergency Assistance will be provided only after an applicant has actually been disconnected. Emergency Service assistance will be provided within 48 hours from the date the client application is complete (all client documentation has been submitted); 18 hours if the energy crisis is life threatening.

B) An emergency payment will not be made on behalf of an applicant unless the household makes a good-faith effort at maintaining service at the time of reconnection. A good-faith effort is defined as the applicant making payment to the household's home energy vendor of not less than twelve percent of the applicant household income during the previous 90-day period. The twelve percent also includes payments made to the electric home energy vendor during the previous 90 days. Prior heating assistance payments received by the home energy vendor under REAPP will not be counted as a contribution to the good-faith effort. An applicant who has failed to make a good-faith effort will be required to provide an amount not to exceed twelve percent of the applicant household income for the previous 90-day period toward the amount needed for reconnection at the time of reconnection.

C) The amount of emergency assistance will be an amount up to the minimum amount needed to reestablish the applicant. In no case will the amount of emergency energy assistance exceed one-fifth of the total amount owed by the applicant.

D) In order to carry out this option, the Department will utilize delegate agencies and/or LAAs to provide assistance.

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d) Verification of Rental Expenses

Rental expenses may be verified by documentation in the form of: lease/rental agreements, current rent receipt(s), verification letters from the applicant's landlord or authorized property manager.

(Source: Section repealed, new Section adopted at 14 Ill. Reg. 13440 effective August 8, 1990)

Section 100.111 Status Category 1 Procedures (Applicants on Aid to Families with Dependent Children (AFDC) Assistance)a) Application and Enrollment

1) Applications for assistance under this Section shall be submitted to and processed on a full-time basis by the LAAs between November 1 and April 30. During the remainder of the year such applications will be processed by the LAA at least two days per week, subject to State appropriations.

2) The applicant household is eligible to receive monthly benefits for each winter month that they receive AFDC cash assistance from IDPA. To apply for assistance, the applicant must submit a completed IDPA application form "Request for REAPP Payment" to the LAA. The LAAs shall either approve or disapprove a completed application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the home energy vendor in writing of the applicant's eligibility. If the application is incomplete at the time of its receipt, the LAA shall notify the applicant in writing at the time of its receipt of the application, of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days of the date of the notification letter. If the LAA disapproves an application, it shall within 30 days of receipt of the completed application notify the applicant in writing of such disapproval and reasons for disapproval and such notification must also apprise the applicant of the dispute resolution procedures set forth in 89 Ill. Adm. Code 102.80. If within 30 days of receipt of a completed application, the LAA does not send notice either approving or disapproving an application the applicant shall be permitted to pursue the dispute resolution procedure set forth in 89 Ill. Adm. Code 102.80 or to submit a new application.



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3) When the home energy vendor receives written notice of a customer's eligibility for assistance under Option 2 (as described in Section 100.110(b)(1)(B)), the home energy vendor shall place the customer on the option within 30 days. During that period, the home energy vendor shall not disconnect the customer for nonpayment. If a customer's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 280.130(f).

4) A home energy vendor may refuse to accept the notice of eligibility referred to in subsection (a)(3) above if it pertains to a person who is not a customer, if it contains an incorrect account number, or if the customer has failed to sign the Department's "Residential Energy Assistance Partnership Program" agreement form which lists the applicant's responsibilities as detailed in Section 100.110(b)(1)(B)(iii). If the home energy vendor does not accept the notice of an applicant's eligibility, the home energy vendor must notify the applicant and the IAA in writing within 14 days that the applicant's enrollment was rejected, the reason for the rejection and what the applicant must do prior to the home energy vendor accepting the enrollment. The notification must also apprise the applicant of the availability of the dispute resolution procedures listed in Section 100.85 of this Part. The home energy vendor's notice must give the applicant 14 days from the postmark date of the notification to eliminate the reason for rejection. During the 14-day period following the postmark date, the home energy vendor shall not disconnect a customer for non-payment.

5) Each home energy vendor shall inform all residential customers by October 1, of each year of the availability of the program set forth in this Subpart and the general qualifications for assistance under Option 2.

6) All written notices of discontinuance issued to residential customers pursuant to 83 Ill. Adm. Code 280 or the company's normal credit collection practices shall include information regarding the availability of assistance provided by this Part and the general qualifications for assistance under Option 2.

## 7) Default Provisions

A) A customer who defaults on payment under Option 2 may be removed from the option by the customer's home

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energy vendor(s). Unless the customer is disconnected under subsection (a)(7)(B), the customer shall be reinstated by paying all amounts due the customer's home energy vendor(s), except for pre-program arrearages. For the period during which the customer was removed from the option, the customer shall receive no benefits of the option. A customer shall only be reinstated pursuant to this subsection two times in any program year.

B) A customer who defaults on payment under Option 2 may be disconnected by the customer's home energy vendor(s) under 83 Ill. Adm. Code 280 or normal credit practices unless reinstated under subsection (a)(7)(A) before disconnection. A customer disconnected under this subsection shall have only one opportunity in any program year to be reconnected and participate further in the option. In order to be reconnected and reinstated, the former customer shall pay all amounts due the customer's home energy vendor(s), except for pre-program arrearages. For the period during which the customer was removed from the option or disconnected, the customer shall receive no benefits of the option.

C) A customer who voluntarily leaves Option 2 may be reinstated for assistance under the option only two times in any program year, and only if the customer has paid all amounts due the customer's home energy vendor(s), except for pre-program arrearages. For the period during which the customer was not participating in the option, the customer shall receive no benefits of the option.

D) A customer participating in Option 2 may be removed from the option for failure to abide by the provisions of Section 100.110(c)(1), but only after the home energy vendor has provided written notice of the pending removal and the customer has failed to respond in accordance with the notice. The notice must allow the customer to satisfy the payment provisions of Section 100.110(c)(1) by making payment of the past due amount by a specified date which shall be no less than 5 days after delivery of the notice or 8 days after mailing of the notice; and

E) A customer who complies with the provisions of a notice issued under subsection (a)(7)(D) shall be deemed not to have defaulted under subsection



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(a)(7)(B) and shall not be removed from the option for the reasons which were the subject of the notice.

b) Event of Default

Failure by the participating customer to comply with the requirements set forth in this subsection shall constitute a default under Option 2.

c) AFDC Payment Process (Status Category 1)

1) Eligible applicants pursuant to Options 1 and 3 will receive a direct cash payment for energy assistance. This payment will be made, in accordance with appropriate interagency or grant agreements, by either the Department, the LAA, or the IDPA.

2) Eligible applicants pursuant to Option 2 will receive assistance, provided on their behalf by the IDPA to the applicant household's home energy vendor(s), equal to 90% of the adjusted average winter energy cost, detailed in Section 100. Appendix F. A home energy vendor which credits the accounts of customers who are eligible for assistance in accordance with Option 2 shall be compensated by the Department for such credits on a month-by-month basis. Such compensation shall be made within 60 days of the Department's receipt of the home energy vendor's request for payment. In order to receive payment on the applicant household's behalf, the home energy vendor(s) must submit a request for payment to the Department. The home energy vendor(s) may submit a request for payment for winter energy services as often as once a month, but in no case less than once for the entire winter season, to be submitted to the Department not later than June 30 following the end of such winter season. The Department will determine the actual payment after analyzing the request for payment for compliance of applicant eligibility in accordance with this Part. The IDPA will pay the home energy vendor(s) submitting the aforementioned request, per month the lesser of the actual bill or one-sixth of the 90% of the adjusted average winter energy cost, specified in Section 100. Appendix F. Monthly payments to home energy vendor(s) may be greater than the one-sixth amount, if during any winter month(s) the monthly payment was less than the one-sixth amount. In no case at the end of the six winter months will payment exceed 90% of the adjusted average winter energy cost specified in Section 100. Appendix F.

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d) Category 1 - AFDC Reporting

1) Each home energy vendor which received payment from the Department for pre-program arrearages shall, pursuant to Section 11(b) of the Act, monitor the energy usage of the applicant on whose behalf such payment was made and report to the Department on such usage.

2) EACH REGULATED UTILITY SHALL REPORT ANNUALLY TO THE ILLINOIS COMMERCE COMMISSION THE AMOUNTS RECEIVED FROM THE DEPARTMENT FOR PRE-PROGRAM ARREARAGES PURSUANT TO SECTION 11(c) OF THE ACT.

3) Close Out/Final Audit Report

Each home energy vendor who receives an aggregate total in excess of \$100,000 in REAPP funding attributable to any program year must undergo an audit for that program year by a certified independent accountant to substantiate the total amount requested for credits it extended during the previous winter under Option 2. A copy of the audit report must be submitted to the Department. The audit report shall specify what information was audited, the procedures performed, the home energy vendor's compliance with the provisions set forth in this Section, and the auditor's findings. The supporting work papers for the audit shall be made available to Department staff for review. The audit shall be submitted no later than the 15th of September following the winter covered by the audit. The audit shall include the independent accountant's opinion regarding the validity of the amount requested from the Department.

(Source: Added at 14 Ill. Reg. 13440, effective August 8, 1990)

Section 100.113 Status Category 2 Procedures (Applicants not on AFDC Assistance - Block Grant Funding)

a) Application and Enrollment

1) Applications for assistance under this Section shall be submitted to and processed on a full-time basis by LAAs between November 1, and April 30. During the remainder of the year such applications will be processed by the agency at least two days per week, subject to State appropriations.

2) The applicant household is eligible to receive monthly benefits beginning in the month in which such applicant



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submits a completed application to the LAA. The LAAs shall either approve or disapprove a completed application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the applicant's home energy vendor in writing of the applicant's eligibility. If the application is incomplete at the time of its receipt, the LAA shall notify the applicant in writing at the time of its receipt of the application, of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days of the date of the notification letter. In the event an applicant fails to submit the application in a timely manner or fails to submit all information necessary to complete the application, the LAA may disapprove the application. If the LAA disapproves an application, it shall within 30 days of receipt of the completed application notify the applicant in writing of such disapproval and reasons for disapproval and such notification must also apprise the applicant of the dispute resolution procedures set forth in Section 100.85. If within 30 days of receipt of a completed application, the LAA does not send notice either approving or disapproving an application, this shall be deemed a denial of the application and the applicant shall be permitted, at the applicant's election, either to pursue the dispute resolution procedure set forth in Section 100.85 of this Part or to submit a new application.

3) When the home energy vendor receives written notice of a customer's eligibility for assistance under Option 5 (as described in Section 100.110(b)(2)(B)), the home energy vendor shall place the customer on the option within 30 days. During that period, the home energy vendor shall not disconnect the customer for nonpayment. If a customer's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 280.130(f).

4) A home energy vendor may refuse to accept the notice of eligibility referred to above if it pertains to a person in the household who is not the customer, if it contains an incorrect account number or if the customer has failed to sign the Department's "Residential Energy Assistance Partnership Program" agreement form which lists the applicant's responsibilities as detailed in Section 100.110(c)(2). If the home energy vendor does not accept the notice of an applicant's eligibility, the home energy

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vendor must notify the applicant in writing within 14 days that the applicant's enrollment was rejected, the reason for the rejection and what the applicant must do prior to the home energy vendor accepting the enrollment. The notification must also apprise the applicant of the availability of the dispute resolution procedures set forth in Section 100.85. The home energy vendor's notice must give the applicant 14 days from the postmark date of the notification to eliminate the reason for rejection. During the 14-day period following the postmark date, the home energy vendor shall not disconnect a customer for non-payment.

5) Each home energy vendor shall inform all residential customers by October 1, of each year, of the availability of the program provided for in this Part and the general qualifications for assistance under Option 5.

6) All written notices of discontinuance issued to residential customers pursuant to 83 Ill. Adm. Code 280 or the company's normal credit collection practices shall include information regarding the availability of the payment plan set forth in Option 5.

7) Except as provided in Section 100.110(c)(2), no home energy vendor may require payment by any individual, at any time, of any amount attributable to shortfall incurred by that individual as a result of participation in Option 5. The home energy vendor shall maintain the shortfall amount on each participating customer so that energy assistance funds may be applied as required by subsection(c)(2).

8) Default Provisions

A) A customer who defaults on payment under Option 5, pursuant to the notice issued under this Section, may be removed from the option. Unless the customer is disconnected under subsection (a)(8)(B), the customer shall be reinstated by paying all amounts which would have been due under the terms of the option. A customer shall only be reinstated pursuant to this subsection two times in any program year.

B) A customer who defaults on payment may be disconnected by the customer's home energy vendor under 83 Ill. Adm. Code 280 or the company's normal credit collection practices unless reinstated under subsection (a)(8)(A) before disconnection. A customer disconnected under this subsection shall



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have only one opportunity in any program year to be reconnected and participate further in the option. In order to be reconnected and reinstated, the former customer shall fully comply with the applicable reconnection provisions contained in 83 Ill. Adm. Code 280. A former customer reconnected under this subsection will be deemed to have the same income as at the time of disconnection, unless the recertification required by subsection (a)(9) has come due, in which case the newer income amount will be used to determine eligibility for the option and the amount of monthly payments.

- C) A customer who voluntarily leaves Option 5 may be reinstated only two times in any program year and only if the customer has paid or pays in full the greater of:

- i) all monthly bills incurred during the period the customer was off the option, or
- ii) the amounts that would have been due under Section 100.110(c)(2) to avoid disconnection had the customer stayed on the option.

- D) A customer participating in Option 5 may be removed from assistance for failure to abide by the provisions of subsection (b) and Section 100.110(c)(2), but only after the home energy vendor has provided written notice of the pending removal and the customer has failed to respond in accordance with the notice. The notice must allow the customer to satisfy the payment provisions of Section 100.110(c)(2) by making payment of the past due amount by a specified date which shall be no less than 5 days after delivery of the notice or 8 days after mailing of the notice; and

- E) A customer who complies with the provisions of a notice issued under subsection (a)(8)(D) shall be deemed not to have defaulted under this subsection and shall not be removed from the option for the reasons which were the subject of the notice.

2) Recertification

- A) In accordance with subsection (a)(5), the home energy vendor shall send a notice to each customer participating in the option not later than October 1

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advising the customer that he/she must apply to be recertified by the Department. Between October 1 and December 31, the Department shall send a notice to each participating customer who has not applied for recertification reminding the customer that he/she must apply to be recertified. In order for the customer to remain eligible for the option a final determination granting recertification must be made by January 31.

- B) If a home energy vendor has not received notice from the Department or its LAA by December 1 that a customer has been recertified, the home energy vendor shall send a notice by December 15 reminding that customer that he/she must apply to be recertified at the LAA by December 31 or he/she will be removed from the option.

- C) If a home energy vendor learns as a result of the annual recertification process described in this Section that a customer's household income has increased or decreased, but the customer is still eligible for participation in Option 5, the home energy vendor shall, within 30 days of learning of the change, adjust the customer's monthly payments in a manner consistent with subsections (c)(1) and (2).

b) Event of Default

Failure by the participating customer to comply with the requirements set forth in this Section shall constitute a default as set forth in Option 5.

c) Non-AFDC Payment Process (Status Category 2)

- 1) Eligible applicants pursuant to Option 4 (as described in Section 100.110(b)(2)(A)) will receive a direct cash payment for energy assistance in accordance with Section 100.110(b)(2)(A). This payment will be made, in accordance with appropriate grant agreements, by either the Department or the LAA.

- 2) To the extent that a home energy vendor experiences a shortfall because the amounts received by the home energy vendor pursuant to Option 5 are less than the actual amounts incurred for heating or electric service rendered, the home energy vendor shall be compensated by the Department for such shortfall. Such compensation shall be made on a month-by-month basis and the Department shall pay



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90% of the amount claimed by the home energy vendor for a month within 60 days of the Department's receipt of the home energy vendor's application therefor.

A) By September 15 of each year, each home energy vendor which during the previous winter incurred shortfall under Option 5, shall be reimbursed by the Department for all such shortfall for which the home energy vendor has not previously been paid.

B) In order to receive payment on the applicant household's behalf, the home energy vendor(s) must submit a request for payment to the Department. The home energy vendor(s) may submit a request for payment of shortfall as often as once a month, but in no case less than once for the entire winter season, to be submitted to the Department not later than July 15 following the end of such winter season. The Department will determine the actual payment after analyzing the request for payment for compliance of applicant eligibility in accordance with this Part.

3) Eligible applicants pursuant to Option 6 (as described in Section 100.110(b)(2)(C)) will receive assistance, provided on their behalf to the applicant household's home energy vendor(s) in an amount detailed in Section 100.110 Appendix E. This payment will be made, in accordance with appropriate grant agreements by either the Department or the LAA.

## d) Category 2 - Non-AFDC Reporting

1) Each home energy vendor which received payment from the Department for pre-program arrearages, pursuant to Section 11 of the Act, shall monitor the energy usage of the applicant on whose behalf such payment was made and report to the Department on such usage.

2) EACH REGULATED UTILITY SHALL REPORT ANNUALLY TO THE ILLINOIS COMMERCE COMMISSION THE AMOUNTS RECEIVED FROM THE DEPARTMENT FOR PRE-PROGRAM ARREARAGES PURSUANT TO SECTION 11(c) OF THE ACT.

3) Close Out/Final Audit Report

Each home energy vendor who receives an aggregate total in excess of \$100,000 in REAPP funding attributable to any program year must undergo an audit for that program year by a certified independent accountant to substantiate the total amount requested for shortfall credit it extended

during the previous winter under Option 5. A copy of the audit report must be submitted to the Department. The audit report shall specify what information was audited, the procedures performed, the home energy vendor's compliance with the provisions set forth in this Section, and the auditor's findings. The supporting work papers for the audit shall be made available to Department staff for review. The audit shall be submitted no later than the 15th of September following the winter covered by the audit. The audit shall include the independent accountant's opinion regarding the validity of the amount requested from the Department.

(Source: Added at 14 Ill. Reg. 13440, effective August 8, 1990)

## Section 100.115 Cooling Assistance Component

a) An Illinois Home Energy Assistance Program (IH-EAP) REAPP Cooling Assistance Component option will be operated by the Department only if unused heating assistance funds are available as of July 1 of the IH-EAP REAPP program year. This component option will provide eligible households with financial assistance to help meet the costs of cooling a residence. Payments under this component are included in the \$600 maximum annual IH-EAP payment level. Section 100.110 Appendix A to these rules provides the IH-EAP income level chart for cooling assistance which is to be used in conjunction with the IH-EAP Assistance Level Chart (Cooling Payment Matrix found in Section 100.110 Appendix B for determining payment amount under the cooling component. Section 100.110 Appendix A indicates the base payment category in which a household will be placed as determined by the household's size and income. The amount of assistance will be determined in accordance with Section 100.110 Appendix B based on the household's base payment category and the region in which the household resides (see Section 100.110 Appendix B). The following types of cooling assistance can be provided:

- 1) Direct Client Assistance (DCA) payments to electric utilities on behalf of income-eligible households (see Section 100.120(b)(2) which contain a member with a documented, medically necessitated need for cooling in accordance with subsections (b) and (c);
- 2) DCA payments to income-eligible households which pay their electric bill as part of rent and contain a member with a documented, medically necessitated need for cooling in accordance with subsections (b) and (c); and
- 3) The purchase of fans by a Local Administering Agency (LAA)



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for income-eligible households which have a medically necessitated need for cooling (in accordance with subsections (b) and (c)) and do not currently own a fan.

- A) For purposes of the cooling option, the definition of fan is: a portable electric fan costing less than \$50. Ceiling fans and/or fans requiring installation are not acceptable purchases.
- B) The cost of the fan is to be included in the \$600-per household maximum annual HEAP payment level. that if the cooling payment takes the household's total HEAP payments up to \$595 and the fan costs the LAA \$29.95, the fan can not be awarded.
- C) A form must be developed by each LAA, documenting the need for a fan and must be signed by the applicant at the time of application.

- b) To receive cooling assistance a household must be determined income eligible in accordance with the process described in Section 100.120. Additionally, the household must contain at least one member experiencing a medical condition that can be ameliorated by cooling. Medical conditions which qualify for assistance include:
  - 1) severe obstructive lung disease (e.g., asthma and emphysema),
  - 2) respiratory allergies which are ameliorated by filtered air (e.g., an allergy brought on by pollen),
  - 3) any medical condition of a non-ambulatory patient, and
  - 4) any other condition for which a licensed medical practitioner deems cooling as a medical necessity.

- c) The existence of one or more of the eligible medical conditions must be certified by a licensed medical practitioner. Medical persons from whom this certification can be accepted are limited to the following:
  - 1) Any physician licensed in accordance with the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987-and-1988-Supp. 1989, ch. 111, pars. 4400-1 et seq.) or licensed in an adjoining state;
  - 2) Any registered nurse or practical nurse licensed under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987 1989,

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ch. 111, pars. 3501 et seq.) that is employed by a visiting nurse association or county government or health department and who has attended the applicant or a member of his/her household;

- 3) Public health officials who are medical persons (i.e., licensed physicians or licensed registered or licensed practical nurses acting as a representative of a physician) associated with the National Health Service, the Illinois Department of Public Health, a county health department, or a city or township health department;
- 4) Any physician's assistant certified under the Physician Assistant Practice Act of 1987 (Ill. Rev. Stat. 1987-and-1988-Supp. 1989, ch. 111, pars. 4601 et seq.) working with any attending licensed physician;
- 5) Any licensed registered or practical nurse working with an attending licensed physician or physician's assistant; or
- 6) Any practitioner who provides treatment through prayer or spiritual means (e.g. Christian Scientist).
- d) Once the medical practitioner has determined a medical need exists, he/she should complete the Medical Certification form found in Section 100. Appendix C to these rules this Part. If the applicant has a statement from a medical person which contains identical information (i.e., name and address of the household member with condition, a description of the condition, and signature and title of medical person), such a statement is acceptable but, when filed, it must be attached to the medical certification form specified in Section 100. Appendix C of these rules this Part. LAA's are permitted to obtain medical certification orally provided that written follow-up takes place. Such written follow-up consists of the medical certification form or a record of who was spoken to, the condition they described, the date, the time, and who from the agency made the call. If, after obtaining oral verification and making a good-faith effort to secure written certification (which is documented by the file notes, the follow-up calls and letters), the signed certification form is not received by the LAA, the oral certification and corresponding documentation will be acceptable. This good-faith effort will not be acceptable if it is found to be common practice and not the exception to the rule (i.e., the LAA has used oral certification, without written follow-up, in ten (10) percent or more of its files).

- e) LAA's will take cooling assistance applications from July 1 through September 30 of the program year or until cooling



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assistance funds are depleted. Intake sites are to be open for a minimum of two days per week through September 30 or until funds have been exhausted. Cooling application data will be entered on the terminal by the LAA. Applications are to be retained and filed by the LAA in separate folders. All reports which are available for the "heating" component options will be available for the "cooling" component option.

f) Verification, authorization, and client/vendor notification will occur within thirty (30) days of a completed application. Payment must occur within fifteen (15) days of the notification.

g) Cooling payments to electric utilities on behalf of eligible households must be used to reduce the current bill of the household. The Department will notify the LAA's of which public utilities, as defined by Section 3-105 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 3-105), have agreed to abide by this constraint. LAA's must determine which utilities, which are not public utilities, will comply. In cases where the home energy vendor utility refuses, cooling assistance payments will be made directly to the households.

h) The Department of Public Aid provides payments under the heating component, which are subtracted from the applicants' heating assistance payments, but any public aid payment received for the heating component will not be deducted from the cooling assistance payment. However, all HEAP assistance, direct client (heating) assistance, emergency service assistance, public aid payments, direct client cooling assistance and the cost of the fan does count against the \$600 per household maximum annual HEAP assistance level.

i) The cooling assistance funds allocated shall be used to provide direct client assistance, not emergency services payments. An overdue bill, a cut-off notice, or disconnection of the utility home energy vendor is not a requirement to receive cooling assistance. However, cooling payments are not to be made to a disconnected account unless the cooling payment plus emergency service payment, if the household has not received such a payment within the last year, is enough to restore services.

j) On the date the Department notifies the LAA's that the cooling assistance component option becomes operable, LAA's may take emergency service applications for clients whose electricity is not an integral part of their heating system (i.e., heat will be delivered without use of electricity).

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990.)

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Section 100.117 Supplemental Assistance

The following Section is only applicable for supplemental assistance provided prior to November 1, 1989.

a) Prior to November 1, 1989, the Illinois Commerce Commission (ICC) operated a supplemental assistance option which provided supplemental energy assistance payments to home energy vendors on behalf of households who were eligible for energy assistance (see Section 100.120 for eligibility) and had participated in a percentage of income payment option. A percentage of income option is a program for eligible low-income home energy vendor customers which is designed to lower their bills. To receive assistance the household must pay a percentage of their income toward their home energy bills. Operation of this option was contingent upon availability of funds through state appropriations.

b) The supplemental payments were made on the household's behalf to all home energy vendors who provided service pursuant to a percentage of income payment program. The actual amount of the supplemental payments was the difference between the billings for service used by the household and the customer's monthly payments due under the program, minus any energy assistance payments made to the customer's account on behalf of the household. This included both payments made directly by the household and payments received by the home energy vendor on the household's behalf. In accordance with Section 4.2 and 4.3 of the Energy Assistance Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1304.2 and 1304.3) and subsection (c), the Department shall make supplemental payments to home energy vendors that participated in percentage of income payment programs in Illinois.

c) The ICC administered the Illinois Residential Affordable Payment Program (IRAPP), a percentage of income payment program, through the regulated utilities in the State of Illinois. Program specifics and eligibility can be found in ICC rules entitled "Energy Assistance" (83 Ill. Adm. Code 281). Utility companies operating programs under the Energy Assistance Act may be required to undergo an audit, in accordance with Section 4.3 of the Energy Assistance Act. The ICC shall by order determine the amount properly payable to each utility for supplemental assistance (shortfall) under the program for the period ended November 30, 1987. Within 60 days after entry of each such order, the Department shall pay to the utility the amount which the ICC has found to be properly payable. Within 60 days of the entry by the ICC of an order finding the amount properly payable to a utility for supplemental assistance (shortfall) under the program for the period of December 1, 1987 through October 31,



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1989, the Department shall, from the fund appropriated to it for shortfall under the program, pay to the utility the amount which the ICC has found to be properly payable.

- d) Home energy vendors not regulated by the ICC, which participate in other percentage of income programs, shall submit a letter to the Department requesting supplemental assistance. Each home energy vendor must undergo an independent audit by an independent accountant to substantiate the supplemental assistance amount that it has requested. A copy of the audit report must be submitted to the Department. The audit report shall specify what information was audited, the procedures performed, the home energy vendor's compliance with the provisions set forth in this Part, and the auditor's findings. The supporting working papers for the audit shall be made available to Department staff for review. The Department will then enter into a contract with each home energy vendor allowing disbursement of payment.

(Source: Added at 14 Ill. Reg. 13440, effective August 8, 1990)

## Section 100.120 Determination of Household Eligibility

- a) Application-Processing = Household applications for assistance through program components options contained in Sections 100.1161 through 100.117 will be accepted on a year-round basis by local administering agencies, given if there are sufficient funds allocated to the county's local-administering-agency LAA to grant assistance through program components options.
- b) Eligibility requirements for Section 100.110(b)(1)(A) through (C) and Section 100.110(b)(3)(A) and (B) of this Part is limited to households that are receiving Aid to Families with Dependent Children under Article IV of the Illinois Public Aid Code. LAAs are responsible for determining household eligibility in accordance with the Act. Payments should be made under Section 100.110(b)(1)(B) and (C) of this Part only with respect to households in which the customer is a member of the applicant household and such customer is receiving Aid to Families with Dependent Children under Article IV of the Illinois Public Aid Code. If the customer is a former member of the household, and has permanently left such household, and another member of the household is receiving AFDC funding and has assumed responsibility for the home energy vendor(s) account, then such household will be eligible for assistance. In such cases, such household member's signature on the Department's "Residential Energy Assistance Partnership Program" agreement form, which lists the applicant's responsibilities as detailed in Section 100.110(c)(1), shall constitute acceptance by the household and the home energy vendor of that household member's responsibility

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for that account.

- cb) Eligibility Requirements for Section 100.110(b)(2)(A) through (C) and Section 100.110(b)(3)(A) and (B) of this Part is for a 30-day period, based on 125% of the OMB Poverty Guidelines - Basic administering-agencies LAAs are responsible for determining household eligibility in accordance with Section 2605(b)(2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (codified at 42 U.S.C. 8621 et seq.) and shall MAKE PAYMENTS UNDER THIS TITLE ONLY WITH RESPECT TO -

- 1) The customer must be a member of the household that applies for assistance. If the customer is a former member of the household, and has permanently left such household, and another member of the household has assumed responsibility for the home energy vendor(s) account, then such household will be eligible for assistance. Such household member's signature on the Department's "Residential Energy Assistance Partnership Program" agreement form, which lists responsibilities as detailed in Section 100.110(c)(2), shall constitute acceptance by the household and the home energy vendor of that household member's responsibility for that account.

- 1) HOUSEHOLDS-IN-WHICH-1-OR-MORE-INDIVIDUALS-ARE-RECEIVING--

- A) AID-TO-FAMILIES-WITH-DEPENDENT-CHILDREN-UNDER-THE-STATE'S-PLAN-APPROVED-UNDER-PART-A-OF-TITLE-IV-OF-THE-SOCIAL-SECURITY-ACT-(OTHER-THAN-SUCH-AID-IN-THE-FORM-OF-FOSTER-CARE-IN-ACCORDANCE-WITH-SECTION-408-OF-SUCH-ACT);
- B) SUPPLEMENTAL-SECURITY-INCOME-PAYMENTS-UNDER-TITLE-XVI-OF-THE-SOCIAL-SECURITY-ACT;
- C) FOOD-STAMPS-UNDER-THE-FOOD-STAMP-ACT-OF-1977;-OR
- D) PAYMENTS-UNDER-SECTION-4157-5217-5417-OR-542-OF-TITLE-367-UNITED-STATES-CODE;-OR-UNDER-SECTION-306-OF-THE-VETERANS'-AND-SURVIVORS'-PENSION-IMPROVEMENT-ACT-OF-1978;-OR
- 2) HOUSEHOLDS-WITH-INCOMES-WHICH-DO-NOT-EXCEED-THE-GREATER-OF--
- A) AN-AMOUNT-EQUAL-TO-150-PERCENT-OF-THE-POVERTY-LEVEL-FOR-SUCH-STATE;-OR
- B) AN-AMOUNT-EQUAL-TO-60-PERCENT-OF-THE-STATE-MEDIAN



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~~INCOME, EXCEPT THAT NO HOUSEHOLD MAY BE EXCLUDED FROM ELIGIBILITY UNDER THIS SUBCLAUSE FOR PAYMENTS UNDER THIS TITLE FOR FISCAL YEAR 1986 AND THEREAFTER IF THE HOUSEHOLD HAS AN INCOME WHICH IS LESS THAN 110 PERCENT OF THE POVERTY LEVEL FOR SUCH STATE FOR SUCH FISCAL YEAR.~~

23) A household applying for emergency service must meet:

- A) income guidelines as specified in subsection (b)(2)(c);
- B) be disconnected from their primary and/or secondary heat source; and
- C) have paid toward their primary and/or secondary heat source within the past 90 days a "good faith" payment of not less than twelve ten percent of the household's past 90 day income. The twelve ten percent rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.

ed) Application Requirements - A client application for assistance under Status Category 2 (set forth in Section 100.110(a)(1)) is complete when it contains:

- 1) a copy of utility bill(s) or landlord statement that energy payments are included in the rent;
- 2) proof of income for any household member age 18 or older (e.g., check stub or public aid green card);
- 3) for an applicant whose utility service has been disconnected and is applying for an emergency service payment, proof that the household has paid 12 1/2% of its household income over the last 90 days toward its utility bills (e.g., a copy of the applicant's utility bills);
- 4) head of household information;
- 5) dwelling information;
- 6) household income information; and
- 7) home energy information.

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8) A client application for assistance under Status Category 1 set forth in Section 100.110(a)(2), shall consist of a completed Illinois Department of Public Aid "Request for REAP Payment" application form.

de) Notification Requirements - Households will receive written notification regarding eligibility determination within 30 days of the date the client application is complete. Additionally, home energy vendors (i.e., utility companies) receiving a payment on behalf of an eligible household will be notified in writing of the household's eligibility.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)

## Section 100.130 Grant Application Requirements (Repealed)

a) Designation/Preapplication Requirements

i) When designating local administering agencies to carry out components of the Home Energy Assistance Block Grant program, the Department shall give special consideration in the designation of such agencies to any local public or private non-private agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of Section 2605(a)(2)(b)(6) of Title VII of the Act as implemented in Section 100.130(a)(3) of this Part.

2) If the Department determines that it is in the best interests of the program to revoke the designation of a local administering agency, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the best interests of the program will depend on the agency's success in complying with the grant agreement.

3) Applicants will be required to meet program and fiscal requirements prior to the submittal of an application for funding. These requirements are: an effective outreach referral program; a continuing planning process and capability; a centralized fiscal management system; and an effective citizen participation/community involvement program. Applications will not be processed nor grants awarded prior to the Department's review of the applicants performance in these four areas.



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## b) Application Requirements

in preparing the application for funding assistance under the Home Energy Assistance Block Grant; applicants will be required to submit the following items:

1) Application for Assistance: The Department will require the submitter of Standard Form 424 (or a comparable form provided by the Department) which requires the basic information needed for grant award documentation and for the Department's review purposes.

2) Annual Work Program: The work program will narrate the activities as required by the Department to be undertaken utilizing the grant funds. The work program must include at a minimum such items as provisions for staff; coordination with other delivery agencies and a description of how the agency intends to deliver its basic services.

3) Annual Budget: The applicant shall submit a grant budget by cost categories; on the budget summary form and detail sheets provided by the Department. As a result of problems with past audits, inexperience with the Department dealing with the agency, lack of a cost allocation plan, or other related incidents the Department shall require that a complete annual budget be submitted which provides budget detail on all of the applicant's programs and sources of funding.

4) Statement of Coordination: The grant applicant will be required to outline its program of coordination with other agencies and programs. The statement should include coordination mechanisms established by the applicant and cite interagency agreements or contractual arrangements used in support of coordinated service delivery.

5) Assurances and Certifications: In a form and manner provided by the Department, the applicant will be required to certify its compliance with all applicable state and federal laws and regulations dealing with the receipt and expenditure of grant monies, as provided on the Grant Application.

c) Selection of Grantees for Special Demonstration Projects

The Department will use the following standards to select grantees for special demonstration projects:

1) The Department will consider the applicant's experience in

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the particular type of weatherization project to be implemented:

2) The Department will consider the qualifications of the applicant's personnel as related to the particular type of weatherization project to be implemented:

3) The Department will evaluate the methodology proposed by the applicant for completion of the project under consideration:

4) The Department will evaluate the ability of the applicant to complete the project under consideration as evidenced by factors (1), (2), (3), (5) and (6):

5) The Department will evaluate the applicant's timetable for completion of the project both in terms of other applicants and whether or not the timetable appears to consist of a realistic statement of goals:

6) The Department will evaluate the applicant's budget both in comparison to other applicants and to determine whether or not the proposal is a realistic assessment of the costs of the project:

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)

## Section 100.140 Eligible Grantees (Repealed)

The following local entities are eligible to apply for funding under the Home Energy Assistance Block Grant program:

a) Any organization which was officially designated as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964, as amended:

b) Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering a Home Energy Assistance Program according to the guidelines established by the Department in accordance with Section 100.130 of this Part:

c) A unit or combination of units of general purpose local governments of the State:

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)

## SUBPART C: WEATHERIZATION



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## Section 100.210 Definitions (Repealed)

The following definitions are applicable to Subpart C:

Department:--Illinois--Department--of--Commerce--and--Community Affairs;

DOE:--United States Department of Energy;

Dwelling Unit:--A house, including a stationary mobile home, an apartment, or a room or group of rooms occupied as separate independent living quarters.

Elderly Person:--A person who is 60 years of age or older.

EXXON:--The Exxon Oil Overcharge Settlement Trust Fund administered by DOE in accordance with 10 CFR 440 (1987).

Handicapped Person:--A person who identifies themselves as handicapped.

HHS:--United States Department of Health and Human Services.

Household Members:--Any group of related or unrelated persons who share living arrangements, including a single family, one person living alone, or two or more families living together.

Multi Unit:--A structure containing two or more dwelling units.

Owner Occupied:--The owner is a permanent resident in the building.

Rental Unit:--A dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

Separate Independent Living Quarters:--Living quarters in which the household members do not live and eat with any other persons in the structure and which have:

either direct access from the outside of the building or through a common hall and

complete kitchen facilities for the exclusive use of the occupants.

Single Family Dwelling Unit:--A structure containing no more than one dwelling unit.

State:--The State of Illinois.

Subgrantee:--An entity managing a weatherization project which receives a grant of funds awarded under this rule from the state.

Unit of General Purpose Local Government:--Any city, county, town, village or township.

## Weatherization Materials:

Caulking and weatherstripping of doors and windows;

Furnace efficiency modifications, including, but not limited to:

replacement burners, furnaces and permanently installed space heaters (including wood/coal burning stoves), or boilers or any combination thereof;

devices for minimizing energy loss through heating systems, chimney or venting devices;

products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan systems, piping, and ductwork); and

electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

Clock thermostats;

Ceiling, attic, wall, floor, and duct insulation

Water heater insulation;

Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective window and door materials; and

The following insulating or energy conserving devices or technologies:

Skirting;

Items to improve attic ventilation;

Vapor barriers;

Materials used as a patch to reduce infiltration through the building envelope;



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Water-flow controllers;  
Movable insulation systems for windows;  
Material to construct vestibules;

Pipe and boiler insulation;

Heat exchangers;

Thermostat control systems;

Replacement windows and doors;

Materials used for water heater modifications which will result in improved energy efficiency;

Hot water heat pumps;

Waste heat recovery devices;

Materials used for heating and cooling systems tuneups, repairs, and modifications which will result in improved energy efficiency; and

Materials used for boiler tuneups, repairs, and modifications which will result in improved energy efficiency.

Weatherization Project: A project conducted in a designated geographic area which undertakes the weatherization of dwelling units that are energy inefficient.

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)

Section 100.230 Local Administering Agency Selection (Repealed)

In selecting local administering agencies the Department will comply with those rules and regulations set forth in 10 CFR 440.15 (1987) "Subgrantees". These regulations are the federal standards governing local administering agency selection for the DOE weatherization assistance program (funded by DOE and Exxon funds). Local administering agencies must be designated by the Department in accordance with Section 100.130, to operate the DOE and Exxon funded components of the Illinois Home Weatherization Assistance Program (IHAWAP) in order to be eligible to receive financial assistance for the IHAWAP component covered by these rules.

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)

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Section 100.240 Local Administering Agency Application (Repealed)

a) To be eligible for financial assistance, a local agency must be designated by the Department to operate the Illinois Home Weatherization Assistance Program (IHAWAP);

1) Where a local agency has been designated by the Department in accordance with Section 100.130, to operate IHAWAP for a county or counties, only that designated local agency may apply for financial assistance.

2) Where no local agency has been designated by the Department to operate IHAWAP, that agency which is successful in their request for proposal bid to operate the DOE and Exxon funded IHAWAP components shall be awarded financial assistance under this rule. The proposal will be evaluated in accordance with 10 CFR 440.15(a) (1987).

b) Each application submitted by the designated local administering agency shall include:

1) Name, address, telephone number of the agency responsible for administering the projects as well as signatures designating responsibility for the grants;

2) The "Notice of Grant Award" and grantee acceptance;

3) The "Method of Compensation, Fiscal Recording/Reporting Requirements";

4) The "Terms and Conditions Governing the Grant";

5) The "Assurances";

6) The budget for total funds allocated and applied for;

7) The "Scope of Work" which insures programmatic controls, such as training, staffing, outreach, and reporting; and

8) Any information which the Department deems necessary to clarify or document information provided in the application.

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)

Section 100.290 Eligible Dwelling Units

a) A dwelling unit shall be eligible for basic component services if:



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1) it meets the definition of separate, independent living quarters (see Section 100-210 100.30);

2) it is occupied by household members:

A) whose total income is at or below 125 percent of the Poverty Income Guidelines determined in accordance with criteria established by the Director of the Office of Management and Budget (52 FR 5340-5341, February 20, 1987, with no later amendments or editions);

B) who have received cash assistance payments under Title IV or XVI of the Social Security Act or from the Department of Public Aid under Aid to Families with Dependent Children (89 Ill. Adm. Code 112) or Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113) during the twelve month period preceding the determination of eligibility for weatherization assistance; or

C) who are eligible for assistance, in accordance with Section 100.120, under the Illinois--Home--Energy Assistance--Program--(as-established-by-the-low-income Energy-Assistance-Act-of-1981) REAPP (as established by the Act).

3) it is a building containing rental units eligible for weatherization assistance under subsection (2) where:

A) the local agency has obtained the written permission of the owner or his agent;

B) not less than 66 percent (50 percent for duplexes and four-unit buildings) of the dwelling units in the building are eligible dwelling units or will become eligible dwelling units within 180 days under a federal, state or local government program for rehabilitating the building or making similar improvements to the building, such as programs authorized by 42 U.S.C. 1437f, 1452b, or 1474;

C) the local agency has insured that rents will not be raised because of the increase value of dwelling units due solely to weatherization assistance provided; and

D) no undue or excessive enhancement shall occur to the value of the dwelling units, e.g., the weatherization

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will be more cost beneficial to the landlord than to the tenant.

b) A dwelling unit shall be eligible for mechanical **component** services if:

1) it is eligible for or has already received basic weatherization assistance since January 1, 1986 or;

2) the local agency finds:

A) the heating system constitutes a health or safety hazard, e.g., fire hazard or carbon monoxide spillage;

B) the household received assistance prior to January 1, 1986; and

C) the household is currently eligible for assistance under subsection (a) above.

c) A dwelling unit is eligible to receive weatherization services only once.

(Source: Amended at 14 Ill. Reg. 13440, effective August 8, 1990)



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Section 100. Appendix A FY '88 IHEAP Income Level Chart/Cooling (Repealed)

Assistance Level by income \$/98 days	Base Payment		80% of Base Payment		60% of Base Payment	
	0	45%	46	75%	76	100%
1	0	774	775	1,289	1,290	1,719
2	0	1,043	1,042	1,735	1,736	2,313
3	0	1,308	1,309	2,180	2,181	2,906
4	0	1,575	1,576	2,625	2,626	3,509
5	0	1,842	1,843	3,071	3,072	4,094
6	0	2,110	2,111	3,516	3,517	4,688
Household	0	2,376	2,377	3,961	3,962	5,281
Size	0	2,644	2,645	4,406	4,407	5,875
7	0	2,911	2,912	4,852	4,853	6,469
8	0	3,178	3,179	5,297	5,298	7,063
9	0	3,445	3,446	5,742	5,743	7,656
10	0	3,713	3,714	6,188	6,189	8,250
11	0	3,980	3,981	6,633	6,634	8,844
12	0	4,247	4,248	7,079	7,080	9,438
13	0	4,514	4,515	7,523	7,524	10,031
14	0	4,781	4,782	7,969	7,970	10,625
15	0	5,049	5,050	8,414	8,415	11,219
16	0	5,316	5,317	8,860	8,861	11,813

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)

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Section 100. Appendix B FY '88 IHEAP Assistance Level Chart/Cooling  
Payment Matrix (Repealed)

Assistance Level by income \$/98 days	Base Payment		80% of Base Payment		60% of Base Payment	
	0	45%	46	75%	76	100%
1	0	774	775	1,289	1,290	1,719
2	0	1,043	1,042	1,735	1,736	2,313
3	0	1,308	1,309	2,180	2,181	2,906
4	0	1,575	1,576	2,625	2,626	3,509
5	0	1,842	1,843	3,071	3,072	4,094
6	0	2,110	2,111	3,516	3,517	4,688
Household	0	2,376	2,377	3,961	3,962	5,281
Size	0	2,644	2,645	4,406	4,407	5,875
7	0	2,911	2,912	4,852	4,853	6,469
8	0	3,178	3,179	5,297	5,298	7,063
9	0	3,445	3,446	5,742	5,743	7,656
10	0	3,713	3,714	6,188	6,189	8,250
11	0	3,980	3,981	6,633	6,634	8,844
12	0	4,247	4,248	7,079	7,080	9,438
13	0	4,514	4,515	7,523	7,524	10,031
14	0	4,781	4,782	7,969	7,970	10,625
15	0	5,049	5,050	8,414	8,415	11,219
16	0	5,316	5,317	8,860	8,861	11,813

(Source: Repealed at 14 Ill. Reg. 13440, effective August 8, 1990)



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## Section 100. Appendix E REAPP Direct Payment Matrix

## SOUTHERN REGION

If Primary Vendor is: Payment Will Be:

	Primary Only	Secondary Only	Primary and Secondary
Gas			
Wood			
Coal			
Other	\$150	\$150	Primary \$100 Secondary \$50
LP Gas			
Oil	\$175	\$175	Primary \$117 Secondary \$58
All Electric	\$200		
Does Not Pay Own Bills			
All Utilities Included in Rent	\$150		

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Section 100. Appendix F 90% of the Adjusted Average Winter Energy Cost  
(Monthly Allowable Payment)

## AFDC

## REGION I (SOUTH)

HOUSEHOLD SIZE	1	2	3	4	5	6	7	8
FUEL								
Natural Gas	\$ 73	\$ 75	\$ 77	\$ 80	\$ 82	\$ 84	\$ 86	\$ 89
Electricity	\$ 31	\$ 36	\$ 40	\$ 44	\$ 49	\$ 53	\$ 58	\$ 62
Total	\$104	\$111	\$117	\$124	\$131	\$137	\$144	\$151
All Electric	\$ 75	\$ 96	\$117	\$138	\$159	\$180	\$201	\$222
Other Primary	\$ 59	\$ 68	\$ 77	\$ 87	\$ 96	\$106	\$115	\$124
Electricity	\$ 31	\$ 36	\$ 40	\$ 44	\$ 49	\$ 53	\$ 58	\$ 62
Total	\$ 90	\$104	\$117	\$131	\$145	\$159	\$173	\$186

## AFDC

## REGION II (NORTH)

HOUSEHOLD SIZE	1	2	3	4	5	6	7	8
FUEL								
Natural Gas	\$ 97	\$100	\$102	\$104	\$106	\$108	\$111	\$113
Electricity	\$ 33	\$ 37	\$ 42	\$ 46	\$ 51	\$ 55	\$ 60	\$ 64
Total	\$130	\$137	\$144	\$150	\$157	\$163	\$171	\$177
All Electric	\$ 87	\$108	\$129	\$150	\$171	\$192	\$213	\$234
Other Primary	\$ 76	\$ 85	\$ 95	\$104	\$113	\$123	\$132	\$142
Electricity	\$ 33	\$ 37	\$ 42	\$ 46	\$ 51	\$ 55	\$ 60	\$ 64
Total	\$109	\$122	\$137	\$150	\$164	\$178	\$192	\$206

(Source: Added at 14 Ill. Reg. 13440, effective August 8, 1990)

(Source: Added at 14 Ill. Reg. 13440, effective August 8, 1990)



## ILLINOIS REGISTER

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- 1) HEADING OF THE PART: Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods

- 2) CODE CITATION: 17 Ill. Adm. Code 750

- 3) SECTION NUMBERS: ADOPTED ACTION:

750.10

Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.4, 2.24 and 2.26).

- 5) EFFECTIVE DATE OF AMENDMENTS: August 10, 1990

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 7, 1990

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 6, 1990, 14 Ill. Reg. 4985

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, the reference to "Ill. Rev. Stat." was updated the 1989 version.

In Section 750.10(g), the underscored language was changed to read "or authorized employees as defined in Section 1.2b of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 1.2b)."

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to remove the language stating that spotted fawns will not be legal to possess and to add language stating that designated employees and persons authorized by the Department may kill, with either a gun or a bow and arrow, a deer crippled by a

## ILLINOIS REGISTER

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collision with a motor vehicle, or injured by any other non-hunting method.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:



DEPARTMENT OF CONSERVATION  
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TITLE 17: CONSERVATION  
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PART 750  
DISPOSITION OF DEER ACCIDENTALLY KILLED BY A MOTOR VEHICLE  
OR OTHER NON-HUNTING METHODS

Section  
750.10 Legal Possession  
750.20 Required Reporting Information

AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of The Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.24 and 2.26).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981 for a maximum of 150 day; codified at 5 Ill. Reg. 10646; amended 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. 13519, effective August 10, 1990.

Section 750.10 Legal Possession

A whitetail deer that is killed as a result of a collision with a motor vehicle, or non-hunting methods may be legally possessed by an individual if the following criteria are met:

- a) The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing said deer. If the driver of a motor vehicle does not want the deer, any citizen of the State of Illinois may possess and transport said deer. All deer killed in a vehicle collision must be reported by the person possessing the deer to the Department of Conservation's Regional Law Enforcement Office by telephone within 24 hours if the collision occurred Monday through Thursday. Deer killed Friday through Sunday or on holidays must be reported during the next regular workday that the Regional Law Enforcement office is open. Deer shall not be processed for consumption beyond the removal of the entrails until the report is made and approval has been obtained.

- b) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision, or legally taken by law, shall not transport said deer or deer parts

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until permission is obtained from a Conservation Police Officer or the Regional Law Enforcement Office. Permission must be obtained within 24 hours. Permission will be granted to transport if it is determined by an investigation that the person requesting possession is in no way involved in the deer's illegal taking.

- c) If two (2) or more deer are killed at one time, the driver is eligible to possess as many of these deer as he wishes.
- d) Possession of vehicle-killed or non-hunting method deer meat will be limited to 6 months from date of accident.
- e) ~~Spotted fawns will not be legal to possess.~~

~~f) Inedible parts of vehicle-killed or non-hunted deer will not be sold; however, they may be possessed. When retained, the head/antler and hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in the green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. The inedible parts of vehicle-killed or non-hunted deer not retained by the individual possessing the deer must be disposed of in a lawful manner. The carcass shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. This tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took possession of the vehicle-killed or non-hunted deer. The carcass tag requirement shall be waived by the Regional Law Enforcement Office, when the individual possessing the deer will be keeping only the meat and the deer carcass will be processed at their residence.~~

~~g) The State of Illinois is absolved of any and all liability associated with the handling or utilization of vehicle-killed or non-hunted deer. This, however, does not relieve involved parties from reporting other liabilities to appropriate agencies as required.~~

~~h) Except for any Law Enforcement Officers or authorized employees as defined in Section 1.2b of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 1.2b), in performance~~



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of their duties, it shall be illegal to kill with either a gun or bow and arrow, a deer crippled by a collision with a motor vehicle, or injured by any other non-hunting method.

(Source: Amended at 14 Ill. Reg. 13519, effective August 10, 1990)

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- 1) HEADING OF THE PART: Dog Training on Department-Owned or -Managed Sites
- 2) CODE CITATION: 17 Ill. Adm. Code 950
- 3) SECTION NUMBERS:  
950.30  
950.40  
ADOPTED ACTION:  
Amendments  
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5).
- 5) EFFECTIVE DATE OF AMENDMENTS: August 10, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 7, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 6, 1990, 14 Ill. Reg. 4990.
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:  
  
In the Authority Note, the reference to "Ill. Rev. Stat." was updated to the 1989 version.  
  
When these amendments were proposed, the Notice of Proposed Amendments indicated that Section 950.50 was being amended. This Section was listed in error. No changes were made to this Section.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part include clarifying the authority for dog training operations and expanding/modifying/decreasing dog training



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programs at State-owned or managed sites as recommended following evaluation of site specific resources.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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SUBCHAPTER b: FISH AND WILDLIFE

PART 950

DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section  
950.10 Statewide Regulations  
950.20 Definitions  
950.30 Permit Requirements  
950.40 Dog Training Seasons  
950.50 Dog Training Regulations  
950.60 Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990.

Section 950.30 Permit Requirements

- a) Any individual using a site for dog training must first obtain a permit from the Department. A permit may be obtained from the site office during regular business hours.
- b) Dog Training Permits are valid from April 1 to March 31.
- c) ~~A permit may be obtained from the site office during regular business hours.~~

(Source: Amended at 14 Ill. Reg. 13524, effective August 10, 1990)

Section 950.40 Dog Training Seasons

Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Banner Marsh State Fish and Wildlife Area (no closed season)



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## Carlyle Reservoir

Eldon Hazlet State Park (open only January 1 - March 31)

Eldon Hazlet State Park north of Allen Branch

## Eckerts Woods Area

## Clinton Lake State Recreation Area

Des Plaines State Fish and Wildlife Area (open all year except during site upland game season)

## Hidden Springs State Forest

## Horseshoe Lake State Recreation Area

## Iroquois County State Wildlife Area

## Kankakee River State Park

## Kickapoo State Recreation Area

Lake Shelbyville, West Okaw and Kaskaskia Fish and Wildlife Area (additionally open sunrise to sunset, April 1 - June 30 for coonhound training only)

Marseilles Conservation Area (open only March 1 - August 30)

~~Middlefork~~ Middle Fork State Fish and Wildlife Area

## Mississippi River Area

Railsplitter State Recreation Area ~~Park~~Randolph County Conservation Area~~Rice Lake~~ Conservation Area

Rock Cut State Park (open only March 1- August 30)

## Saline County Conservation Area

## Sam Parr State Park

## Sand Ridge State Forest

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Sangchris Lake State Park (closed from opening of upland game season until January 1)

Shabbona Lake State Recreation Area (open from July 15 through August 15 then from September 16 through September 30)~~Shelbyville State Fish and Wildlife Area (open sunrise to sunset, April 1 - June 30 for coonhound training only)~~Silver Springs State Park Fish and Wildlife AreaStephen A. Forbes State Fish and Wildlife Area~~Trail of Tears State Forest (Open September 1 - March 31, closed 20 days before and after Raceoon Hunting Season, sunset to sunrise)~~

## Washington County Conservation Area

## Weinburg-King State Park

(Source: Amended at 14 Ill. Reg. 13524, effective August 10, 1990)



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- 1) HEADING OF THE PART: Duck, Goose and Coot Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 590
- 3) SECTION NUMBERS:
- |                |            |
|----------------|------------|
| 590.10         | Amendments |
| 590.20         | Amendments |
| 590.25         | Amendments |
| 590.40         | Amendments |
| 590.50         | Amendments |
| 590.60         | Amendments |
| 590. EXHIBIT A |            |
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).
- 5) EFFECTIVE DATE OF AMENDMENTS: August 13, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 7, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 6, 1990, 14 Ill. Reg. 4996
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:  
All references to "Ill. Rev. Stat." were updated to the 1989 version.  
In the Table of Contents and the text, "Section 590." was added prior to "EXHIBIT A".  
In the Main Source Note, following the "October 4, 1989" emergency, the following was added: "; emergency expired March 3, 1989".  
In Section 590.10(b), the statutory citation was removed.

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- In Section 590.10(c), "effective September 29, 1987" was replaced with "revised as of October 1, 1989".
- In Section 590.10(g)(2), the language was changed to read "Subsection (g) shall be in accordance with Section 3.7 of the Wildlife Code".
- The statutory citation in Section 590.20(b)(2) was removed.
- In Section 590.25(b)(3) the "period" should not appear with strike-outs.
- In Section 590.50(b), "Section 590.50" was changed to "subsection".
- In Section 590.60(b)(3), "the" was added prior to "access parking".
- In Section 590.60(b)(6)(L), the language in parentheses was changed to read "(as defined in Section 2.33 of the Wildlife Code)".
- In EXHIBIT A, the second page, "(continued)" was added following the title of the EXHIBIT.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were based upon biological surveys and data analyses which resulted in the determination that modifications to waterfowl regulations are necessary to maintain and manage healthy waterfowl populations.  
The changes include expanding/modifying/decreasing waterfowl hunting programs on State-owned or managed sites and updating non-toxic shot zones as agreed upon by the State and U.S. Fish and Wildlife Service.



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16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS  
SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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## PART 590

## DUCK, GOOSE AND COOT HUNTING

Section  
590.10  
590.20

## Statewide Regulations

Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

Illinois Youth Goose Hunting Permit Requirements

Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.

## 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

## 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

## 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

## 590.EXHIBIT A The Non-Toxic Shot Zones of Illinois

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).

**SOURCE:** Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233,



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effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendments at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990.

## Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. ~~1987~~ 1989, ch. 61, par. 2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective September 29, 1987) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code (~~Ill. Rev. Stat. 1987, ch. 61, par. 2.33~~) on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20, effective ~~September 29, 1987~~ revised as of October 1, 1989) unless the regulations in this rule are more restrictive. Shooting hours shall be from sunrise to sunset, except at specific sites where shooting hours are more restrictive, or for federally sanctioned experiments where shooting hours may be more liberal.
- d) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents

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less than 1½ the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify. Sites covered by these regulations are as stated in the federal regulations or they are listed under Site Specific Regulations. Only non-toxic shot may be used for hunting waterfowl in the following non-toxic shot zones (see EXHIBIT A):

- 1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
  - A) All of Alexander, Calhoun, Carroll, Hancock, Henderson, Jackson, Jersey, Jo Daviess, Madison, Mercer, Monroe, Pike, Randolph, Rock Island, St. Clair, and Union and Whiteside Counties.
  - B) Adams County: IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.
  - C) Hancock County: ~~(Dallas City), IL-9/96, IL-96/Hwy-136, and IL-96.~~
  - D) Henry County: I-80 and I-74/280.
  - E) Jo Daviess County: ~~IL-35 (East Dubuque), Hwy-20, IL-84/Hwy-20, and IL-84.~~
  - F) Mercer County: Railroad Bridge (Keithsburg) County Hwy-16, and County Hwy-25.
  - G) Whiteside County: IL-84 (north), IL-136/Fulton Road, County Hwy-21/Frog Pond Road, Garden Plain Road, County Hwy-21/Sand Road, and IL-5.
- 2) Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
  - A) All of Bureau, Calhoun, Cass, Fulton, Greene, Grundy, Jersey, Marshall, Mason, Peoria, Pike, Putnam, Tazewell and Woodford Counties.
  - B) Brown County: County Hwy-3/Federal Aid



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Secondary Route (FAS) 582, FAS-582, County Hwy-12, and IL-99.

G) Bureau County: ~~IL-89 (Spring Valley), IL-6/89, IL-29, and IL-26/29, and IL-29.~~

D) Greene County: ~~Kampsville Ferry Route, IL-108, and Federal Aid Primary Route (FAP) 155 (south).~~

B) Morgan County: IL-104 (Meredosia) and IL-100/US-67.

F) Schuyler County: IL-100 (Bluff City) IL-103, and County Hwy-9.

G) ~~Greene County: IL-26, IL-116, IL-116/US-159, IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and County Hwy-16.~~

## 3) Southern Illinois Quota Zone

All of Alexander, Jackson, Union and Williamson Counties.

## 4) Rend Lake Goose Quota Zone

All of Jefferson and Franklin Counties.

## 5) Other Areas

All of Bond, Christian, Clinton, Coles, Cook, DuPage, Fayette, Kane, Kendall, Lake and McHenry, Moultrie, Perry, Will and Winnebago Counties.

## e) Emergency Closure

The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

## f) Closed Areas and Refuges

1) Ducks - Specific habitats, geographical areas, or

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political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.

## 2) Geese and Refuges

A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.

B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:

i) Horseshoe Lake Conservation Area - Alexander County (in the refuge no motors will be allowed from October 15 through December 31 and trolling motors will only be used from January 1 to March 1)

ii) Rend Lake and Rend Lake Wildlife Management Area

iii) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)

g) Migratory Waterfowl Hunting Area Permits (Commercial and Non-Commercial)

1) The holder of a permit shall forward within one week after the close of the season or at an earlier time as requested by the Department, a report upon forms furnished by the Department providing information on the hunting season.

2) ~~Section 590-10 (g) of this Part~~ Subsection (g) shall be in accordance with Section 3.7 of the Wildlife Code ~~(Ill. Rev. Stat., 1987, ch. 61, par. 3.7).~~

h) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

i) When public duck blinds on State managed sites are flooded to the point that they are no longer usable, but the water level is not too high or rough to be a threat to public safety, the Department, by public announcement



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and posting, may permit waterfowl hunting anywhere on the area except in designated refuge areas. Any permits issued for the blinds are no longer valid and no fee to hunt the area will be charged.

## j) Waterfowl Hunting Zones:

- 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
- 2) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
- 3) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
- 4) Tri-county Goose Zone - Knox County and the following townships: Fulton County - Buckheart, Canton; Cass - Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 247; ~~Henry County - Albia, Anawan, Atkinson, Cozswail.~~
- 5) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
- 6) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
- 7) Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).
- k) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone except between legal opening and the hour of 3:00 P.m.

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(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

## Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Horseshoe Lake Conservation Area (Alexander County)

Rice Lake Conservation Area

Union County Conservation Area

## b) Permit Requirements

- 1) Permit reservations will be accepted starting in September. Initial acceptance dates will be publicly announced.
- 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code (~~Ill. Rev. Stat. 1987, ch. 61, par. 3-8.~~).
- 3) The permit will be for the use of the entire blind and it will be the responsibility of the permit holder to bring one hunting partner for Horseshoe Lake (Alexander County) and Union County (two hunters per blind), except for the Youth Goose Hunt, or two hunting partners for Rice Lake (three hunters per blind). Unfilled blinds will be filled by a drawing at the sites.
- 4) A) All duplicate permit reservations will be rejected and the hunter will forfeit his rights to a permit. Permits are not transferrable.



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- B) Permits cannot be transferred on the hunting area. For other information write to:

Illinois Department of Conservation  
Permit Office - Waterfowl  
524 S. Second Street, Room 210  
River Plaza  
Room 210  
P.O. Box 1922719457  
Springfield, IL 62794-92279457

- 5) Permits for waterfowl hunting will be issued from the Springfield Permit Office for Horseshoe Lake (Alexander County), Union County and Rice Lake.

- c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County), Union County and Rice Lake areas

- 1) Subsection (c) of this Section shall be in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this Section are more restrictive.

- 2) Season dates, bag limits and methods of taking geese are set by the U. S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

- 3) Hours, Permits and Stamp Charges

- A) Hunting hours are from legal opening time until 12:00 Noon at Rice Lake. Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 Noon and will be closed on Mondays.

- B) Hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing will be held to allocate blind sites. At Horseshoe Lake (Alexander County) and Union County, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), will have priority to be reassigned to the better blinds as they become available.

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- C) A \$15.00 Daily Usage Stamp must be purchased at Horseshoe Lake (Alexander County) and Union County. A \$6.00 Daily Usage Stamp must be purchased at Rice Lake.

- 4) When daily quotas are not filled, permits will be issued to standby hunters by a drawing held at the check station.

- 5) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

- 6) Hunting will be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

- 7) Baiting with corn, grains or other feed is not allowed.

- 8) Guns must be unloaded and encased at all times when not hunting.

- 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

- d) Special Canada geese hunting regulations for Horseshoe Lake (Alexander County) and Union County.

- 1) The legal hunting season is the dates of the Quota Zone goose hunting season except that the areas will be closed December 24, 25 and 26.

- 2) Hunters may not possess more than 10 shells per shot larger than size T steel until January 1. During the January goose season, hunters may possess up to 15 shells with shot not larger than size T steel. It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl. Hunters may not possess shells with shot larger than size T steel. Hunters may not possess more than 5 shells for each Canada Goose or



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subspecies allowed in the daily bag (i.e., if 2 Canada geese are allowed per day, hunters may have 10 shells, if 3 are allowed, hunters may have 15 shells). It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.

- 3) Hunters cannot leave their blinds and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.
- 4) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind on the Union County or Horseshoe Lake (Alexander County) areas. Each person under 16 years of age must be accompanied by a supervising adult.
- e) Special duck regulations for Rice Lake.

- 1) The legal hunting season is the dates of the central zone duck hunting season.
- 2) It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.
- 3) All hunting parties (each blind) are required to use a minimum of 12 duck decoys.
- 4) Hunters can bring a private boat or can rent a boat at the area. The maximum motor size limit for private boats is unrestricted and for rental boats is 10 h.p. while hunting. Boats will be provided with blinds on Big Lake and no motors will be allowed.
- 5) Hunters must be at least 16 years of age to draw for a blind at the Rice Lake area.
- 6) Rice Lake will be closed to hunting when the lake is frozen over.

(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

Section 590.25 Illinois Youth Goose Hunting Permit Requirements

- a) State sites covered in this Section, which allow hunting by permit only, are:

Horseshoe Lake Conservation Area (Alexander County)

Union County Conservation Area

- b) Permit Requirements

- 1) Permit reservations will be accepted starting in September. Initial acceptance dates will be publicly announced. Applicants must be between the ages of 10 -15.
- 2) Only one permit per person will be issued for the hunt on December 29, 1989-28, 1990.
- 3) The permit will be for the use of the entire blind and it will be the responsibility of the permit holder to bring one supervising adult who may also hunt at Horseshoe Lake (Alexander County) or Union County.

- 4) Permit reservations and transferability.

- A) All duplicate permit reservations will be rejected and the hunter will forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

- B) For other information write to:

Illinois Department of Conservation  
Youth Goose Hunt  
Division of Wildlife Resources  
524 S. Second Street, Room 210  
P.O. Box 19457  
524 S. Second Street  
Lincoln Tower Plaza  
Springfield, IL 62706-9446 62794-9457

- 5) Permits for the Illinois Youth Goose Hunt will be issued from the Springfield Permit Office for Horseshoe Lake (Alexander County) and Union County.
- c) General waterfowl hunting regulations for Horseshoe Lake



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(Alexander County) and Union County.

- 1) Subsection (c) shall be in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this Section are more restrictive.
- 2) Season dates, bag limits and methods of taking geese are set by the U.S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.
- 3) Hours, Permits and Stamp Charges
  - A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 noon on December 29, 1989-1990.
  - B) Hunters with Illinois Youth Goose Hunt permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing will be held to allocate blind sites which have been made void. At Horseshoe Lake (Alexander County) and Union County, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), will have priority to be reassigned to the unused Illinois Youth Goose Hunt blinds.

- C) There is no fee for the Illinois Youth Goose Hunting Permit.

- 4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

- 5) Hunting will be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

- 6) Baiting with corn, grains or other feed is not allowed.

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- 7) Hunters must have a 20 gauge or larger shotgun and provide their own ammunition.
- 8) Guns must be unloaded and encased at all times when not hunting.
- 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.
- d) Special Canada geese Illinois Youth Goose Hunt hunting regulations for Horseshoe Lake (Alexander County) and Union County:
  - 1) The legal hunting season is December 29, 1989-1990.
  - 2) ~~Hunters~~Each youth may not possess more than 2025 shells nor shoot larger than size T steel. It shall be unlawful for hunters to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.
  - 3) Hunters cannot leave their blind and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.
  - 4) Each youth and supervising adult may be accompanied by a guide.

(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

### Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section are:
  - Anderson Lake Conservation Area
  - Batchtown (Federal Lands)
  - Calhoun Point (Federal Lands)
  - Glades (Federal Lands)



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- Godar-Diamond (Federal Lands)
- Horseshoe Lake State Park - Madison County
- Lake DePue Fish and Wildlife Area
- Marshall County Conservation Area
- Mazonia Fish and Wildlife Area
- Sanganouis Conservation Area
- Spring Lake Conservation Area
- Stump Lake (Federal Lands)
- Woodford County Conservation Area
- b) The sites listed above in Section 590.40(a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in parentheses and in the remainder of this Section.
- 1) Anderson Lake Conservation Area - All Management Units (legal opening - noon)
  - 2) Batchtown (legal opening - 3:30 p.m. Central Standard Time (CST); decoys will be picked up and removed at the end of each day's hunt)
  - 3) Calhoun Point (legal opening - 3:30 p.m. CST) ~~after the close of the duck season, goose pits will be allocated by a daily drawing~~
  - 4) Glades (legal opening - 3:30 p.m. CST)
  - 5) Godar-Diamond (legal opening - 3:30 p.m. CST)
  - 6) Horseshoe Lake - Madison County (legal opening - 3:30 p.m. CST; goose hunting is prohibited after the duck season)
  - 7) Lake DePue (sunrise - noon)
  - 8) Marshall County Conservation Area - Spring Branch Unit (legal opening - Noon)
  - 9) Mazonia Fish and Wildlife Area (legal opening to 12

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- noon; closed to goose hunting during the September season; closed Mondays and Tuesdays)
- 10) Sanganouis (check station and walk-in area, legal opening - Noon)
  - 11) Spring Lake (legal opening - Noon; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.)
  - 12) Stump Lake (legal opening - 3:30 p.m. CST)
  - 13) Woodford County Conservation Area (legal opening - Noon)
- c) The following regulations apply to all sites listed in this Section under Subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
  - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before shooting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting will be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal shooting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards will be returned.
  - 5) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 3 days prior to the waterfowl season.



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6) It shall be unlawful to trespass upon the designated waterfowl hunting area 7 days prior to the waterfowl season and on areas designated as waterfowl refuges ~~14 days prior to the waterfowl season and from October 10 until the end of the waterfowl season on~~ Anderson Lake, Lake Depue, Marshall County, Spring Lake, and Woodford County Sites, Godar-Diamond and Crull Impoundment.

7) It shall be illegal to fish or trespass upon the designated waterfowl hunting area or waterfowl refuge beginning two weeks prior to the waterfowl season until the end of waterfowl season at Mazonia Fish and Wildlife Area

8) No more than 4 persons shall occupy a blind at one time.

d) During duck season, blinds not claimed by the builder or partners by one hour before shooting time will be assigned by a drawing at this time or during the time in parentheses, after which time the area will be closed to additional hunters.

Anderson Lake ~~(9+00-a-m-)~~(one hour before shooting time - 10:00 a.m.)

Batchtown (9:00 a.m. - 1:00 p.m.)

Calhoun Point (9:00 a.m. - 1:00 p.m.)

Glades (9:00 a.m. - 1:00 p.m.)

Godar-Diamond (9:00 a.m. - 1:00 p.m.)

Horseshoe Lake - Madison County (9:00 a.m. - 1:00 p.m.)

Lake Depue ~~(9+00-a-m-)~~(one hour before shooting time - 9:00 a.m.)

Marshall County Conservation Area - Spring Branch Unit ~~(9+00-a-m-)~~(one hour before shooting time - 9:00 a.m.)

Mazonia Fish and Wildlife Area ~~(9+00-a-m-)~~(one hour before shooting time - 9:00 a.m.)

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Rice Lake ~~(walk-in 9+00-a-m-)~~(one hour before shooting time - 9:00 a.m.)

Sanganois (10:00 a.m.)

Spring Lake ~~(9+00-a-m-)~~(one hour before shooting time - 9:00 a.m.)

Stump Lake (9:00 a.m. - 1:00 p.m.)

Woodford County Conservation Area ~~(9+00-a-m-)~~(one hour before shooting time - 9:00 a.m.)

e) Blind sites will be allocated for a one-year period by a public drawing at:

Anderson Lake (Anderson Lake Management Unit)

Horseshoe Lake (Madison County)

Lake Depue

Marshall County Conservation Area - Spring Branch Unit

Mazonia Fish and Wildlife Area

Sanganois

Spring Lake

Woodford County Conservation Area

f) Previous year's blind builders will have until the time as noted in parentheses to salvage materials from their blinds.

Anderson Lake (February 1 of the following year)

Batchtown (7 days after the current drawing)

Calhoun Point (7 days after the current drawing)

Glades (7 days after the current drawing)

Godar-Diamond (7 days after the current drawing)

Horseshoe Lake - Madison County (7 days after the



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current drawing)

Lake DePue (~~February 1 of the following year~~) (7 days after the current drawing)

Marshall County Conservation Area - Spring Branch Unit (February 1 of the following year).

Mazonia Fish and Wildlife Area (February 1 of the following year)

Sanganois (7 days after the current drawing)

Spring Lake (February 1 of the following year)

Stump Lake (7 days after the current drawing)

Woodford County Conservation Area (February 1 of the following year)

(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

### Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section have additional regulations in parentheses:

Chain O'Lakes State Park (Goose hunting permitted during special goose season prior to regular waterfowl season; hunting allowed from numbered blind sites only; blinds need not be completed for hunting during special early goose season)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season ~~held prior to regular duck season provisions of 590-50(f) and 590-50(b) do not apply~~ hunting allowed from numbered blind sites only and blinds do not have to be completed)

Fuller Lake (Federal Lands; legal opening - 3:00 P.M.)

Helmbold Slough (Federal Lands; legal opening - 3:00 P.M.)

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Illinois River - Pool 26

Kankakee River State Park (no boat hide required; no goose hunting permitted during September Goose Season)

Lake Sinnissippi (Department Owned Land)

Marshall County Conservation Area - Sparland Unit (Department Owned Land)

Meredosia Lake - Cass County Portion Only (meandered waters only) (all boat traffic is prohibited from operating on meandered waters (except un-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (Federal Lands)

Pekin Lake (Department Owned Land)

Piasa (Federal Lands)

Red's Landing (Federal Lands)

Riprap Landing

Savanna Ordnance Depot (Federal Lands)

Starved Rock State Park

William W. Powers Conservation Area (no goose hunting during September Goose Season; boat hides required only at designated sites as announced at the drawing)

- b) The sites listed above in ~~Section 590-50~~ subsection (a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. The following regulations apply to all sites listed in this Section under subsection (a).



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- 1) Hours are legal opening to sunset.
- 2) Blind builders or partners must occupy their blinds by one-half hour before opening shooting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first-come basis.
- 3) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- c) Hunting from stationary blinds will be permitted at the above areas with the following exceptions:
  - 1) AMAX Leased Lands - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
  - 2) Boston Bay, Mississippi River Pool 18 - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
  - 3) Mississippi River Pools 16-18 - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting.
  - 4) Savanna Ordnance Depot - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.
  - 5) Red's Landing - all area north of access road will be a walk-in area.
- d) Special access restrictions are at the following sites:
 

Savanna Ordnance Depot (boat access only)
- e) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Savanna Ordnance depot.
- f) Previous year's blind builders shall have until the date

listed in parentheses of the following year to salvage materials from blind sites. After this date, all materials will become the property of the Department or the new blind builder, as determined by the site manager, except as noted in parentheses.

Chain O'Lakes (~~blind drawing date~~) (7 days after current year's drawing; except blind numbers 23, 24, 25, 26 and 27 must be removed in their entirety by May 1.)

Des Plaines River (blind drawing date)

Fuller Lake (7 days after the current year's drawing)

Helmhold Slough (7 days after the current year's drawing)

Illinois River Pool 26 (7 days after the current year's drawing)

Kankakee River (February 1)

Lake Sinnissippi (blind drawing date; after May 1 the Department reserves the right to remove any blinds or parts thereof that it deems necessary for reasons such as but not limited to, hazards to navigation, interference with canal feeder or access and hazards to recreational boating)

Marshall County Conservation Area - Sparland Unit (February 1)

Meredosia Lake - Cass County Portion Only (February 1)

Mississippi River Pools 16, 17, 18 (the next season's blind drawing date)

Mississippi River Pools 21, 22, 24, 25, 26, (7 days after the current year's drawing)

Pekin Lake (the blind drawing date)

Piasa (7 days after the current year's drawing)

Red's Landing (7 days after the current year's



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drawing)

Riprap Landing (7 days after the current year's drawing)

Savanna Ordnance Depot (blind drawing date)

Starved Rock State Park (February 1)

William Powers (February 1)

- g) Blind sites will be allocated for the period as noted by a public drawing at:

Chain O'Lakes (1 year)

Des Plaines River (1 year)

Kankakee River (1 year)

Lake Sinnissippi (1 year)

Marshall County Conservation Area - Sparland Unit (1 year)

~~Mercedia Lake - Cass County Portion Only (1 year) - mail in drawing to be conducted at District office - date and procedures to be publicly announced~~

Mississippi River Pools 16, 17, 18, 22, 24, (2 years)

Mississippi River Pool 21 (1 year)

Mississippi River Pools 25, 26 (3 years)

Pekin Lake (1 year)

Savanna Ordnance Depot (1 year)

Starved Rock State Park (1 year)

William Powers (1 year)

- h) Re-registration Process for "2 year" and "3 year" Blind Allocation Sites.

- 1) Mississippi River Pools 16, 17, and 18

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In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must mail or phone in notice to re-register that blind site. Failure to re-register during the publicly announced prescribed period will result in loss of blind site.

- 2) Mississippi River Pools 21, 22, 24, 25 and 26

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for himself and his blind partners. Failure to re-register during prescribed period will result in loss of blind site.

- 3) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

## i) Fishing restrictions

- 1) On Mississippi River Pools 16, 17, 18, fishing will be permitted on the area with the exception that no person shall engage in fishing within 200 yards of an occupied waterfowl blind during the regular waterfowl season.

- 2) At William Powers, fishing from boats during waterfowl season is unlawful. Fishing from the shore in areas posted as waterfowl hunting areas during waterfowl hunting season is unlawful.

- j) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned by January 15 or the blind builder and partners for that blind will not be allowed to be a blind builder or partner at these sites for the following year.

Chain of Lakes State Park

Des Plaines Conservation Area



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Kankakee River State Park

William Powers Conservation Area

(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

- a) Sites covered in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. These sites are:

Braidwood Lake

Cambell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area

Clinton Lake State Recreation Area

Crab Orchard Refuge

Dog Island Wildlife Management Area

Donnelley State Wildlife Area

Fox Ridge State Park

Ft. de Chartres Historic Site

Heidecke State Fish and Wildlife Area and Powerton Lake

Horseshoe Lake Conservation Area (Alexander County) Public Hunting Area (other than permit area)

Horseshoe Lake State Recreation Area (Madison County)

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds allowed)

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Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville

Lake Shelbyville Fish and Wildlife Management Area

LaSalle Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mermet Lake Conservation Area

Mississippi River Area Fish and Wildlife Area

Pike County Conservation Area

Powerton Lake (Regulations combined with Heidecke Lake)

Rend Lake Wildlife Management Area

Rice Lake Conservation Area

Saline County Conservation Area

Sanganois Conservation Area

Sangchris Lake State Park

Shawnee National Forest, Bluff Lake

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)

Union County (firing line Waterfowl Management Area)



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b) Site specific regulations

1) Braidwood Lake

A) Definitions:

i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area.

ii) Water blind site - a position within 50 yards of a numbered stake or buoy, or a position between two like-numbered buoys, where a blind may be located.

iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.

B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.

C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.

D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. Hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will be allocated 90 minutes after legal shooting time. No blind sites will be allocated after 9:00 a.m.

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F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move, except that after 10:00 a.m. daily, hunters may move to a vacant blind site without notifying attendant, but such a move must be reported when checking out.

G) Hunting will be from boat blinds only.

H) Access to blind sites will be by boat only and from designated boat launch sites.

I) No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.

J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.

K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

L) No unauthorized pits or blinds will be built on Department leased or managed land or water.

M) Braidwood Lake will be closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season. Braidwood Lake will be closed to all fishing during the regular waterfowl seasons.

N) No hunting will be allowed on Monday and Tuesday.

O) Layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a non-motorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual



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outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the designated tender boat location.

structural works may be constructed or dug on State managed lands at any time, except that the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site, and must be removed at the end of the day's hunt.

P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

D)

It is unlawful to enter the subimpoundment area during the 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 3:00 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the duck hunting season. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4.

Q) Hunting is closed on Christmas Day.

R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

S) It is unlawful to shoot across any dike.

T) Waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted.

E)

No one may enter or remain on the waters of Carlyle Lake from 12:00 a.m. (midnight) to 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunter may remain in the area after 3:00 p.m. each day of the waterfowl hunting season. The waters of Carlyle Lake include the lake and that portion of the Kaskaskia River, northfork, eastfork and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

## 2) Campbell Pond Wildlife Management Area

All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

3) Waterfowl Hunting Regulations for Carlyle Lake Lands and Waters

A) Shooting hours for waterfowl are statewide opening hour until 1:00 p.m.

F) It shall be unlawful to be in possession of firearms on the waters of Carlyle Lake after 3:00 p.m. each day during the waterfowl hunting season and 24 hours prior to the opening day of waterfowl hunting season.

B) Waterfowl and coot hunting will be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas.

G) Only walk-in hunting will be permitted in the subimpoundment areas. No flotation devices capable of floating a man are allowed. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Conservation personnel will post that the area is open to boats. Boats are allowed only at these times in the subimpoundment areas.

C) No permanent blinds, goose pits, or other



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- H) Only waterfowl and coot hunting are allowed in the subimpoundment area during the duck hunting season. On the day following the close of duck season to the close of goose season, the following areas in the Carlyle subimpoundment will be refuge. All of compartments 3 and 4 and that portion of compartment 2 that lies 200 yards south of levee B where the levee runs east and west, and 200 yards west where the levee turns and runs north and south.
- I) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.
- J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. (A hunting party shall be defined as an individual, or group of hunters occupying a single boat, blind, or hunting site).
- K) No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subimpoundment area.
- L) No motor driven vehicles are allowed in the subimpoundment area except those operated by Department of Conservation or Corps of Engineers personnel.
- M) The lands and waters lying south of a line from the south side of the mouth of Coles Creek on the east side of Carlyle Lake to the south side of the mouth of Allen Branch on the west side of Carlyle Lake is a designated waterfowl refuge and is closed to hunting.
- N) East Side Management Area from Cox Bridge to the north and east boundary of the State managed land is open to hunting of other species (that are in season) during the waterfowl hunting season. Subimpoundment area waterfowl regulations apply in this area for waterfowl hunting. Statewide and site specific regulations apply for other species.

- Q) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest registration box located at the access parking lot. All hunters must sign out and record their harvest at the end of each day's hunt.

## 2)4) Clinton Lake

- A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season will be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge, and within 200 yards of developed recreation areas, construction and industrial sites, or within 300 yards of electrical power lines.
- C) Hunting parties must maintain a minimum distance of 200 yards apart.
- D) No more than 3 persons shall occupy or use a portable boat blind.
- E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.
- F) Each hunting party is required to hunt over a minimum of 12 decoys.
- 5) Dog Island Wildlife Management Area  
All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

## 3)6) Donnelley State Wildlife Area



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- A) Hunting is prohibited on Tuesdays and Wednesdays.
- B) Hunting hours are from sunrise to 12 Noon.
- C) Goose hunting is prohibited after the close of the duck season.
- D) All hunting will be from designated blinds only. Refilling or changing blinds is not permitted.
- E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- F) \$5 daily usage stamp must be purchased to hunt this area.
- G) No outboard motors are allowed by public - only by authorized DOC personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the waterfowl season will be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There will be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind will be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

4+71 Fox Ridge State Park

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- A) Hunting restricted to Embarras River and its flood waters.
  - B) No permanent blinds of any kind or other structural works are permitted.
  - C) No pits shall be dug, built or occupied.
- 5+81 Fort de Chartres Historic Site
- A) No check station.
  - B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.
  - C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.
  - D) Hunting parties must maintain a minimum distance of 200 yards apart.
  - E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
  - F) No hunting is allowed during firearm deer season.
- 6+91 Heidecke State Fish and Wildlife Area and Powerton Lake
- A) Definitions:
    - i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. The boat blind and all blind materials will be removed at the end of each hunting day.
    - ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located.



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- iii) Daily draw - procedure by which blinds or blind sites are allocated daily.
- iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.
- B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after 10:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.
- G) Hunting will be from boat blinds only.
- H) Access to water blind sites will be by boat only and from designated boat launch sites.
- I) All water hunting must be from portable blind, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one

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- blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.
- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds will be built on Department leased or managed land or water.
- M) Heidecke Lake will be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake will be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season.
- N) No hunting will be allowed on Monday and Tuesday at Heidecke Lake. No hunting will be allowed at Powerton Lake on Monday through Thursday except hunting will be permitted on State holidays.
- O) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the



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center dike.

- P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- Q) Hunting is closed on Christmas Day.
- R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- S) It is unlawful to shoot across any dike at Heidecke Lake.
- T) Waterfowl hunting will close with the conclusion of the duck season at Powerton Lake. At Heidecke Lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted at Heidecke Lake.
- U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting will be prohibited.

9-101

Horseshoe Lake (Alexander County) Public Hunting Area (other than permit area)

The refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch.

9-111

Horseshoe Lake State Recreation Area (Madison County)

- A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

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- B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.
- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.30(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

9-121

Kaskaskia River Fish and Wildlife Area

- A) Shooting hours are statewide opening hour until 1:00 p.m. during the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal shooting hours shall be from statewide opening hour until statewide closing hour. Goose hunting hours end at 1:00 p.m.

- B) All waterfowl hunting parties must use at least 12 decoys and hunt at least 200 yards from the next hunting party.

- C) No permanent blinds will be allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.

- D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the



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end of each day's hunt.

E) No one under 16 years of age shall hunt or attempt to hunt on the area unless accompanied by an adult due to safety factors.

F) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) This area will be closed to all public use 3 days prior to waterfowl hunting season. No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Waterfowl, coot and archery deer hunting only will be allowed in this area during the duck hunting season.

~~10-13~~ Lake Shelbyville

It is unlawful for any unauthorized persons to enter a duly posted restricted area.

~~11-14~~ Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

A) Waterfowl hunting will be permitted as described below except in duly posted restricted and "No Hunting" areas.

B) Waterfowl hunting in the Fish Hook-Waterfowl Area, the North Dunn, the McGee-Waterfowl Area, and the Jonathan Creek Waterfowl Areas will be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Drawings will be conducted at each area. Parties will register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn will be allowed to choose one of the staked sites in the waterfowl area. Parties will select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations will apply:

i) All parties must hunt within 10 yards of their assigned stake.

ii) All parties must be in place by one-half hour before shooting time.

iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas will be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Daily shooting hours will be from legal opening to 1:00 p.m.

E) Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection (B) above. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).

F) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

G) The building of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

H) No goose pits shall be built or dug.

I) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

J) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning



K) the day after the close of the Central Zone Duck Season.

During the regular waterfowl season, no bank or boat fishing will be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

~~12-15~~ Little Black Slough

A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.

B) Dedicated Nature Preserve areas are closed to hunting.

~~13-16~~ Lower Cache River State Natural Area

A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.

B) Dedicated Nature Preserve areas are closed to hunting.

~~14- Mercedesa Lake - Cass County Portion-Only~~  
~~All boat traffic is prohibited from entering the~~  
~~duly posted Waterfowl Refuge from 1 week before~~  
~~waterfowl season until the season closes~~

~~15-17~~ Mermet

A) Waterfowl hunting will be permitted only during the duck hunting season.

B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to

deposit their hunting licenses and register at the check station prior to entering the area.

Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds will be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

C) The daily drawing shall be held one hour prior to legal shooting time.

D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.

E) Those hunters in the blind area shall park in designated areas. These parking areas will be numbered to correspond with particular blind sites located along the levee road.

F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

G) Deer, squirrel and woodcock may not be taken in the waterfowl areas after the opening of the waterfowl season.

H) Daily hunting hours shall be the legal opening until 12:00 Noon local time.

I) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

~~16-18~~ Mississippi River Area Fish and Wildlife Area  
A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the



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Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

~~17-19~~

## Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 or the legal statewide closing, whichever is earlier, in Area A.

~~18-20~~

## Rend Lake-Wildlife-Management Area

- A) All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.
- B) No goose pits or permanent blinds shall be dug or built on State lands.
- C) All waterfowl hunters and all boats must be out of the ~~subimpoundments~~ Wildlife Management Areas by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m.
- D) No hunting will be permitted from the subimpoundment dams.
- E) No waterfowl hunting will be permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- F) The distance between waterfowl hunting parties shall be no less than 200 yards. (A hunting

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party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).

- G) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1.
- H) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- I) All waterfowl hunting along an east-west line running 200 yards north of the Casey Fork Subimpoundment Dam will be within 10 feet of staked locations.
- J) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- K) Daily shooting hours for waterfowl will be from legal opening time to 1:00 p.m.
- L) The land portion of the Rend Lake Refuge is closed to trespassing at all times. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.



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- v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
- vi) Bounded on Nason Point by refuge boundary signs at project limits.

M) It shall be unlawful to be in possession of firearms on the waters of Rend Lake between the hours of 2:00 p.m. and 4:30 a.m. each day of the waterfowl hunting season and for 24 hours prior to the opening day of waterfowl hunting season.

~~19-21~~ Rice Lake (Walk-in and Copperas Creek Management Units)

A) Hunting will be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.

B) Hunters shall be determined by a daily drawing at the designated check station.

C) Shooting hours shall be from legal opening time until 12:00 Noon. Statewide bag and possession limits apply on this area.

~~20-22~~ Saline County Conservation Area

A) Waterfowl hunting is allowed north of the township road only.

B) Walk-in hunting only.

~~21-23~~ Sanganois

A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

B) Walk-in waterfowl hunting will be permitted only in the area posted for this purpose.

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- C) All hunters using this area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- D) Upon the completion of hunting, hunters must report to the check station within one hour.
- E) Fishing is prohibited in the impoundment areas during the waterfowl season.
- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through December 31.

G) No person shall trespass on the Marion-Pickarel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

H) Walk-in area legal opening until 12:00 noon during duck season. When the central zone goose season extends beyond the duck season, goose hunting will be permitted with statewide shooting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

~~22-24~~ Sangchris Lake State Park

A) Hunting hours are legal opening until 12:00 Noon.

B) Hunters will participate in daily drawing commencing 2 hours prior to sunrise. Blind sites not selected during the drawings will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated until 9:00 a.m. Further, no blind sites will be allocated after 10:00 a.m.

C) All hunting will be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.



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- D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- E) There will be a duly posted waterfowl refuge located at the north end of the lake that will include all waters of the lake located north and at right angles to (in an east and west direction) the peninsula created by the junction of the east and west arms. This area will be closed to all boat traffic and boat fishing during the duck season. Bank fishing along the dam will be permitted.
- F) A waterfowl refuge will be located on State land between the east and west arms of the lake. Additional refuges are located on waters from the junction of the center arm and the east arm of the lake north to the refuge area, the area adjacent to the power plant is utilized as a fly ash pond and the south portion of the west arm will be duly designated as inviolate areas.
- G) Waterfowl hunting will close with conclusion of duck season.
- H) No more than 4 persons shall occupy a blind at one time.
- I) Waterfowl hunting will be permitted on State leased lands and waters in the Sangchris Lake State Park area, except in duly posted refuge areas, developed recreation areas, a minimum of 300 yards from all high lines and 500 feet from construction or industrial sites. The center arm of the lake will be closed to all waterfowl hunting.
- J) Blind sites will be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation will remove, move or close blind sites in order to carry out the operations of the overall management program.

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- K) Blind sites will be allocated on a daily draw basis.
- L) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- M) Access to blind sites will be by boat only and from designated boat launch sites, the West Hill Boat Launch and the East Harbor Boat Launch. A corridor located north of the Middle Peninsula along the southern edge of the existing refuge will be established to provide access to the west arm of the Lake from the East Harbor Boat Launch when the West Hill Boat Launch is closed. Such notice of corridor use will be announced prior to the blind drawing for that day.
- N) All hunting must be from 1 portable blind or 1 anchored portable blind located within a numbered cove and between the assigned numbered stakes. Portable blinds or boat blinds must have been completed, including final brushing, before entering the area, and removed at the end of each hunting day. Cutting of natural vegetation for any purpose will be unlawful.
- O) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- P) No pits or blinds will be built on State leased or Commonwealth Edison land.
- Q) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.
- R) Corridor - Water travel lane, during waterfowl season only, for boating back and forth to blind sites.
- S) Fishing will be prohibited in the east and west arms of the lake during the period from 10 days



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prior to the duck season through the end of the waterfowl season.

- T) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- U) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.

~~23~~25 Shawnee National Forest, Bluff Lake

- A) Goose hunting is prohibited.
- B) Shooting hours: legal opening until noon.
- C) No permanent blinds or other structures may be constructed on the site.

~~24~~26 Shawnee National Forest, LaRue Scatters

- A) All hunting will be by walking in or in boats without motors.
- B) Shooting hours for all species in this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with statewide deer hunting hours (17 Ill. Adm. Code 670).

- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

~~25~~27 Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting will be by walking into the area.
- B) Shooting hours for all species on this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with Statewide deer hunting hours (17 Ill. Adm. Code 670).

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- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.
- D) Each hunting party will be required to hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- E) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

~~26~~28 Stephen A. Forbes

- A) Daily hunting hours are legal open to 1:00 p.m.
- B) On the main lake hunting is allowed from a boat blind only and must be within 100 yards of a staked location.
- C) Only walk-in hunting is allowed in the sub-impoundment. Hunting must occur within 100 yards of a staked location.
- D) Hunting will be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.

~~29~~ Ten Mile Creek Fish and Wildlife Area

- A) Permit required.
- B) All blinds must be of portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.
- C) No goose pits or permanent blinds shall be dug or built on State lands.
- D) The distance between waterfowl hunting parties or blind sites shall be no less than 200 yards.
- E) Waterfowl hunters must obtain permit prior to hunting.



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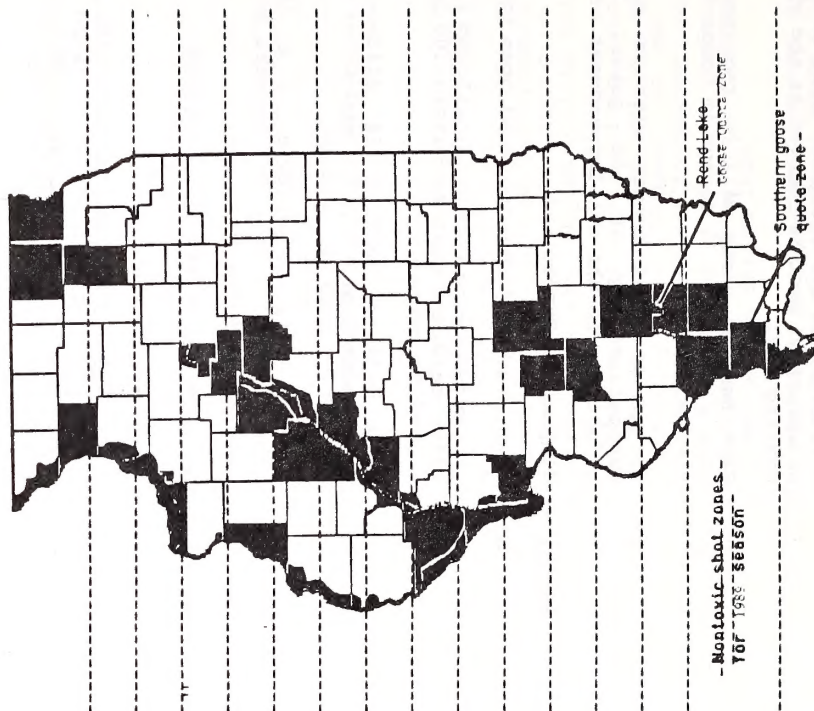
- F) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- G) It is unlawful to possess or use toxic (lead) shot in any gauge shotgun shells for hunting waterfowl.
- H) Areas designated as REFUGE are closed to all access during the Canada Goose Season only. REFUGE designation has been given to all land in Unit I, and the 260 acre tract at the Western edge of Unit II.
- 27-30) Union County (Firing Line Waterfowl Management Area)
- A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.
- B) This area will be closed at 12 noon during the goose season.
- C) Hunters may not possess more than 10 shells nor shot larger than size T until January 1. During the January Goose Season, hunters may possess up to 15 shells with shot not larger than size T steel.
- D) Waterfowl hunting from staked sites only.

(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

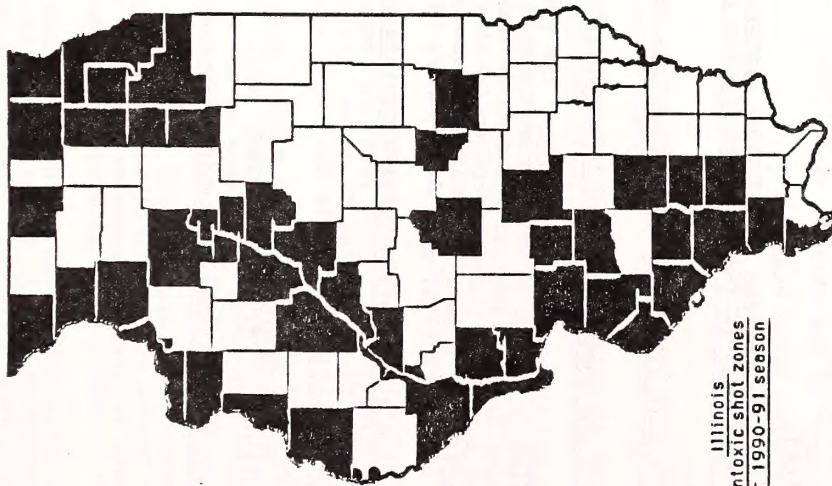
## Section 590.EXHIBIT A The Non-Toxic Shot Zones of Illinois





## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

Section 590.EXHIBIT A The Non-Toxic Shot Zones of Illinois  
(continued)

Illinois  
Non-toxic shot zones  
for 1990-91 season

(Source: Amended at 14 Ill. Reg. 13529, effective August 13, 1990)

## DEPARTMENT OF INSURANCE

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- 1) Heading of Part: Advertising and Sales Promotion of Life Insurance and Annuities
  - 2) Code Citation: 50 Ill. Adm. Code 909
  - 3) Section Number: Adopted Action:
 

909.20	Amended
909.50	Amended
909.100	Renumbered, New Section
909.110	Renumbered
909.120	Renumbered
  - 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 73, pars. 761, 763, 848, 849, 1013, 1033 and 1065.49
  - 5) Effective Date of Amendments: August 14, 1990
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this Rule contain incorporations by reference? No
  - 8) Date filed in Agency's Principal Office: August 3, 1990
  - 9) Notice of Proposal Published in Illinois Register: February 23, 1990, 14 Ill. Reg. 2744
  - 10) Has JCAR issued a Statement of Objections to this rule? No
  - 11) Difference(s) between proposal and final version: Authority note has been rewritten to read: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 901 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 761, 763, 848, 849, 1033, 1065.49 and 1013).
- Section 909.20 Definitions: The second paragraph under "Advertisment," the following words have been deleted "relating to the financial condition or relative position of the insurer within the insurance industry and material."
- Section 909.50 Disclosure Requirements, (p): The word "funeral" is added to the second line following the word preened. The word "adequately" has been deleted from the last line in (p).



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Section 909.50 Disclosure Requirements, (p)(2): The words "or cemetery" on the third line following the word funeral, are deleted.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 13) Will this Rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The purpose of this rulemaking is to add a new Section to this Part, in addition, some renumbering and amending is needed. The Department has authority pursuant to Section 401 of the Illinois Insurance Code to make reasonable rules and regulations as may be necessary (Ill. Rev. Stat. 1989, ch. 73, par. 1013).
- 16) Information and questions regarding this adopted Rule shall be directed to:

Jim Stephens  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

The full text of the Adopted Amendment begins on the next page.

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES  
PART 909  
ADVERTISING AND SALES PROMOTION OF  
LIFE INSURANCE AND ANNUITIES

Section  
909.10 Authority  
909.20 Definitions  
909.30 Applicability  
909.40 Form and Content of Advertisements  
909.50 Disclosure Requirements  
909.60 Identity of Insurer  
909.70 Jurisdictional Licensing and Status of Insurer  
909.80 Statements about About an Insurer  
909.90 Enforcement Procedures  
909.100 Conflict-with-Other-Rules Penalties (Renumbered)  
909.110 Severability-Provision Conflict with Other Rules (Renumbered)  
909.120 Severability Provision (Renumbered)

AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 761, 763, 848, 849, 1033, 1065.49 and 1013).

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at 14 Ill. Reg. 13584, effective August 14, 1990.

Section 909.20 Definitions

For the purpose of this Rule:

"Advertisement" for the purpose of this Rule shall not include:

communications or materials used within an insurer's own organization and not intended for dissemination to the public;

communications with policyholders other than material relating to the financial condition or relative position of the insurer within the insurance industry and material urging policyholders to purchase, increase, modify, reinstate or retain a policy;



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a general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged, provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Advertisement" shall be material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters;

material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

"Insurer" shall include any organization or person which issues life insurance or annuities to residents of this State.

"Policy" shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides for life insurance or annuity benefits.

"Preneed Funeral Contract or Prearrangement" shall mean an arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at 14 Ill. Reg. 13584, effective August 14, 1990)

## Section 909.50 Disclosure Requirements

- a) The information required to be disclosed by this Rule shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.
- b) No advertisement shall omit material information or use words, phrases, statements, references or illustrations if such omission or such use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of the insurer, any policy benefit payable, loss covered, premium payable or state or federal tax consequences. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.
- c) In the event an advertisement used "Non-Medical," "No Medical Examination Required" or similar terms where issue is not guaranteed, such terms shall be accompanied by a further disclosure of equal prominence and in juxtaposition thereto to the effect that issuance of the policy may depend upon the answers to the health questions.
- d) An advertisement shall not use as the name or title of a life insurance policy or an annuity, any phrase which does not include the words "life insurance" or "annuity" unless accompanied by other language clearly indicating it is life insurance.
- e) An advertisement shall prominently include the specific title of the type of the policy being marketed and such title shall not be misleading as to the policy benefits.
- f) An advertisement of an insurance policy marketed by the direct response techniques shall not state or imply that because there is no agent or commission included, there will be a cost saving to prospective purchasers unless such is the fact. No such cost savings may be stated or implied without justification satisfactory to the Insurance Director prior to use.



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- g) An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decrease or increases with age or duration, such fact shall be prominently disclosed.
- h) An advertisement for a policy with non-level premiums shall prominently describe the premium changes.
- i) Dividends
- 1) An advertisement shall not utilize or describe dividends in a manner which is misleading or has the capacity or tendency to mislead.
  - 2) An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future.
  - 3) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains

A) what benefits or coverage would be provided at such time and

B) under what conditions this would occur.

- j) An advertisement shall not state that a purchaser of a policy will share in or receive a stated percentage or portion of the earnings on the general account assets of the company.

k) Testimonials or Endorsements by Third Parties

- 1) Testimonials used in advertisements must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a

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testimonial the insurer makes as its own all of the statements contained therein, and such statements are subject to all the provisions of this Rule.

- 2) If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be disclosed in the advertisement.
- 3) An advertisement shall not state or imply that an insurer or policy has been approved or endorsed by a group of individuals, society, association or other organization unless such is the fact and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the insurer, or receives any payment or other consideration from the insurer, for making such endorsement or testimonial, such fact shall be disclosed in the advertisement.
- 1) An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects recent and relevant facts. The source of any such statistics used in an advertisement shall be identified therein.
- m) Introductory, Initial or Special Offers and Enrollment Periods
- 1) An advertisement of an individual policy or combination of such policies shall not state or imply that such policy or combination of such policies is an introductory, initial or special offer or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies.



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- 2) An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy.
- 3) An advertisement shall not offer a policy which utilizes a reduced initial rate in a manner which overemphasizes the availability and the amount of the initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement which contains a full rate schedule for the policy being advertised.
- 4) An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered within this State unless there has been a lapse of not less than six months between the close of the immediately preceding enrollment period for the same policy and the opening of the new enrollment period. The advertisement shall specify the date by which the applicant must mail the application, which shall be not less than ten days and not more than forty days following the date on which such enrollment period is advertised for the first time. This Rule applies to all advertising media: i.e., mail, newspapers, radio, television, magazines and periodicals, by any one insurer. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common management or control. This Rule does not apply to the use of a termination or cut-off date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request. It is also inapplicable to solicitations to employees or members of a particular group or association which otherwise would be eligible under specific provisions of the Insurance Code for group or blanket insurance. In cases where an insurance product is marketed on a direct mail basis to prospective

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- insureds by reason of some common relationship with a sponsoring organization, this Rule shall be applied separately to such sponsoring organization.
- n) An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group, or quasi-group and as such enjoy special rates, dividends or underwriting privileges, unless such is the fact.
- o) An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services or methods of marketing.
- p) An advertisement for the solicitation or sale of a preneed funeral contract or prearrangement as defined in Section 909.20 above, which is funded or to be funded by a life insurance policy or annuity contract shall disclose the following:
- 1) the fact that a life insurance policy or annuity contract is involved or being used to fund a prearrangement as defined in Section 909.20, and
  - 2) the nature of the relationship among the soliciting producer or producers, the provider of the funeral merchandise or services, the administrator and any other persons.

(Source: Amended by 14 Ill. Reg. 13584, effective August 14, 1990)

Section 909.100 ~~Conflict-with-Other-Rules Penalties~~  
(Renumbered)

Any insurer or any of its officers, directors, producers or employees thereof which, or who, violate any of the provisions of this regulation, or knowingly participate in or abet such violation, shall be subject to a fine up to \$1000 for each violation and/or subject to suspension or revocation of their certificate of authority or license.

(Source: Section 909.100 renumbered to Section 909.110, new Section 909.100 adopted at 14 Ill. Reg. 13584, effective August 14, 1990)



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Section 909.100 110 Conflict with Other Rules (Renumbered)

It is not intended that this Rule conflict with or supersede any rules currently in force or subsequently adopted in this State governing specific aspects of the sale or replacement of life insurance including, but not limited to, rules dealing with life insurance cost comparison indices, deceptive practices in the sale of life insurance and replacement of life insurance policies. Consequently, no disclosure required under any such rules should be deemed to be an advertisement within the meaning of this Rule.

(Source: Section 909.110 renumbered from Section 909.100 at 14 Ill. Reg. 13584, effective August 14, 1990)

Section 909.110 120 Severability Provision (Renumbered)

If any Section or portion of a Section of this Rule, or the applicability thereof to any person or circumstances is held invalid by a court, the remainder of the Rule, or the applicability of such provision or circumstances, shall not be affected thereby.

(Source: Section 909.120 renumbered from Section 909.110 at 14 Ill. Reg. 13584, effective August 14, 1990)

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- 1) Heading of Part: Life Insurance Solicitation
- 2) Code Citation: 50 Ill. Adm. Code 930
- 3) Section Number:

930.30	Amended
930.40	Amended
930.60	Renumbered, New Section
930.70	Renumbered
930.80	Renumbered
930.90	Renumbered, New Section
- 4) Statutory Authority: (Ill. Rev. Stat. 1989, ch. 73, pars. 1028 et seq. and 1013)
- 5) Effective Date of amendments: August 14, 1990
- 6) Does this rulemaking contain an automatic repeal date? no
- 7) Does this amendment contain incorporations by reference?  
no
- 8) Date filed in Agency's Principal Office: August 14, 1990
- 9) Notice of Proposal Published in Illinois Register:  
February 23, 1990, 14 Ill. Reg. 2754
- 10) Has JCAR issued a Statement of Objections to this rule? no
- 11) Difference(s) between proposal and final version:  
Section 930.60: In the first paragraph the words "adequately disclosed" are deleted and replaced by "given in writing to the applicant."  
  
Section 930.60(b): The words "the administrator" are deleted.  
  
Section 930.60(e): The words "an itemized" have been added at the beginning of this subsection.  
  
Section 930.60(f): The word "relevant" has been deleted and this subsection now reads as follows:  
  
f) all information concerning:
  - 1) the disposition of any proceeds from the policy in



excess of the amount needed to fund the prearrangement; and

- 2) any remaining or outstanding obligations of the estate for payment or any difference between the amount actually needed to fund the prearrangement and the life insurance policy proceeds.

Section 930.60(h): The entire section has been deleted, and the following paragraph is added immediately after subsection g:

"No person shall be designated the owner of a life insurance policy used to fund a pre-arrangement if the person's only insurable interest in the insured is the receipt of the proceeds from the policy or in naming who shall receive the proceeds. Such persons would include the funeral home providing the services and the insurance producer who sold the policy."

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
yes

- 13) Will this rule replace an emergency rule currently in effect? no

- 14) Are there any amendments pending on this Part? no

- 15) Summary and Purpose of rulemaking: The Department has proposed the attached amendments to implement Article XXVI which is authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 1028 et seq. and 1013). The Department has proposed these amendments in an effort to set standards for the solicitation or negotiation or procurement of life insurance specifically in the area of pre-need/pre-arrangement funeral contracts.

The purpose of this rulemaking is to add a new section to the life insurance solicitation requirements which addresses pre-need funeral contracts or pre-arrangement.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Jim Stephens  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

The full text of the Adopted Amendment begins on the next page.



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TITLE 50: INSURANCE  
 CHAPTER I: DEPARTMENT OF INSURANCE  
 SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE  
 REPRESENTATIVES AND REGISTERED FIRMS

## PART 930

## LIFE INSURANCE SOLICITATION

Section	Authority
930.10	Purpose
930.20	Scope
930.30	Definitions
930.40	Disclosure Requirements
930.50	General Rules Preneed Funeral Contracts or
930.60	Prearrangements (Renumbered)
930.70	Life Insurance-Buyer's Guide---Language-and-Content
	General Rules (Renumbered)
930.80	Failure-to-Empty Life Insurance Buyer's Guide.
930.90	Language and Content (Renumbered)
Exhibit A	Failure to Comply (Renumbered)
	Life Insurance Buyer's Guide

AUTHORITY: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 1028 et seq. and 1013).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 177, effective July 1, 1980; codified at 7 Ill. Reg. 2364; amended at 14 Ill. Reg. 13594, effective August 14, 1990

## Section 930.30 Scope

- a) Except as hereafter exempted, this Part shall apply to any solicitation, negotiation or procurement of life insurance occurring within this state. This Part shall apply to any issuer of life insurance contracts including fraternal benefit societies.
- b) Unless otherwise specifically included, this regulation shall not apply to:
  - 1) Annuities.
  - 2) Credit life insurance.

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- 3) Group life insurance (except for disclosures relating to preneed funeral contracts or prearrangements as provided herein. These disclosure requirements shall extend to the issuance or delivery of certificates as well as to the master policy.)
- 4) Franchise life insurance as defined in Construction and Filing of Life Insurance and Annuity Forms (50 Ill. Adm. Code 1405).
- 5) Life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. 1001 et seq.).
- 6) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account.

(Source: Amended at 14 Ill. Reg. 13594, effective August 14, 1990)

## Section 930.40 Definitions

For the purposes of this regulation, the following definitions shall apply:

- a) "Buyer's Guide". A Buyer's Guide is a document which contains, and is limited to, the language contained in Exhibit A prescribed by Section 930.70 930.80 of this Part.
- b) "Cash Dividend". A Cash Dividend is the current illustrated dividend which can be applied toward payment of the gross premium.
- c) "Equivalent Level Annual Dividend". The Equivalent Level Annual Dividend is calculated by applying the following steps:
  - 1) Accumulate the annual cash dividends at five percent interest compounded annually to the end of the tenth and twentieth policy years.



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- 2) Divide each accumulation of paragraph subsection (1) above by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in paragraph subsection (1) over the respective periods stipulated in paragraph subsection (1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- 3) Divide the results of paragraph subsection (2) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Equivalent Level Annual Dividend.
- d) "Equivalent Level Death Benefit". The Equivalent Level Death Benefit of a policy or term life insurance rider is an amount calculated as follows:
  - 1) Accumulate the guaranteed amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five per cent interest compounded annually to the end of the tenth and twentieth policy years respectively.
  - 2) Divide each accumulation of paragraph subsection (1) above by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in paragraph subsection (1) over the respective periods stipulated in paragraph subsection (1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- e) "Generic Name". Generic Name means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.
- f) "Life Insurance Cost Indexes".
  - 1) Life Insurance Surrender Cost Index. The Life Insurance Surrender Cost Index is calculated by applying the following steps:

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- A) Determine the guaranteed cash surrender value, if any.
  - B) For participating policies, add the terminal dividend payable upon surrender, if any, to the accumulation of the annual Cash Dividends at five percent interest compounded annually to the end of the period selected and add this sum to the amount determined in paragraph subsection A.
  - C) Divide the result of paragraph subsection (B) (paragraph subsection (A) for guaranteed-cost policies) by an interest factor that converts it into an equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in paragraph subsection (B) (paragraph subsection (A) for guaranteed cost policies) over the respective periods stipulated in paragraph subsection (A). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
  - D) Determine the equivalent level premium by accumulating each annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in paragraph subsection (A) and dividing the result by the respective factors stated in paragraph subsection (C) (this amount is the annual premium payable for a level premium plan).
  - E) Subtract the result of paragraph subsection (D) from paragraph subsection (C).
  - F) Divide the result of paragraph subsection (E) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Life Insurance Surrender Cost Index.
- 2) "Life Insurance Net Payment Cost Index". The Life Insurance Net Payment Cost Index is calculated in the same manner as the comparable Life Insurance Cost Index except that the cash surrender value and any terminal dividend are set at zero.



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g)

1) "Policy Summary". For the purposes of this Part, Policy Summary means a written statement describing the elements of the policy including but not limited to:

- A) A prominently placed title as follows: STATEMENT OF POLICY COST AND BENEFIT INFORMATION.
- B) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Policy Summary.
- C) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.
- D) The Generic Name of the basic policy and each rider.
- E) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which Life Insurance Cost Indexes are displayed and at least one age from sixty through sixty-five or maturity whichever is earlier:
  - i) The annual premium for the basic policy.
  - ii) The annual premium for each optional rider.
  - iii) Guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.

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- iv) Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.
- v) Cash Dividends payable at the end of the year with values shown separately for the basic policy and each rider. (Dividends need not be displayed beyond the twentieth policy year.)
- vi) Guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.
- F) The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the Policy Summary includes the maximum annual percentage rate.
- G) Life Insurance Cost Indexes for ten and twenty years but in no case beyond the premium paying period. Separate indexes are displayed for the basic policy and for each optional term life insurance rider. Such indexes need not be included for optional riders which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months and guaranteed insurability benefits nor for the basic policies or optional riders covering more than one life.
- H) The Equivalent Level Annual Dividend, in the case of participating policies and participating optional term life insurance riders, under the same circumstances and for the same durations at which Life Insurance Cost Indexes are displayed.
- I) A Policy Summary which includes dividends shall also include a statement that dividends are based on the company's current dividend scale and are not guaranteed in addition to a



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statement in close proximity to the Equivalent Level Annual Dividend as follows: An explanation of the intended use of the Equivalent Level Annual Dividend is included in the Life Insurance Buyer's Guide.

- J) A statement in close proximity to the Life Insurance Cost Indexes as follows: An explanation of the intended use of these indexes in the Life Insurance Buyer's Guide.
- K) The date on which the Policy Summary is prepared.

- 2) The Policy Summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as to not minimize or render any portion thereof obscure. Any amounts which remain level for two or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in paragraph subsection (g)(1)(E) above shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.

- h) "Preneed Funeral Contract or Prearrangement". An agreement by or for an individual before that individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at 14 Ill. Reg. 13594, effective August 14, 1990)

#### Section 930.60 General Rules Preneeded Funeral Contracts or Prearrangements (Renumbered)

The following information shall be given in writing to the applicant at the time an application is made, prior to accepting the applicant's initial premium or deposit, for a preneed funeral contract or prearrangement as defined in Section

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930.50(h) above which is funded or to be funded by a life insurance policy:

- a) The fact that a life insurance policy is involved or being used to fund a prearrangement.
- b) the nature of the relationship among the soliciting agent or agents, the provider of the funeral or cemetery merchandise or services, and any other person.
- c) the relationship of the life insurance policy to the funding of the prearrangement and the nature and existence of any guarantees relating to the prearrangement.
- d) the impact on the prearrangement
  - 1) of any changes in the life insurance policy including but not limited to, changes in the assignment, beneficiary designation or use of the proceeds,
  - 2) of any penalties to be incurred by the policyholder as a result of failure to make premium payments,
  - 3) of any penalties to be incurred or monies to be received as a result of cancellation or surrender of the life insurance policy.
- e) an itemized list of the merchandise and services which are applied or contracted for in the prearrangement and all information concerning the price of the funeral services, including an indication that the purchase price is either guaranteed at the time of purchase or to be determined at the time of need.
- f) all information concerning:
  - 1) the disposition of any proceeds from the policy in excess of the amount needed to fund the prearrangement; and
  - 2) any remaining or outstanding obligations of the estate for payment or any difference between the amount actually needed to fund the prearrangement and the life insurance policy proceeds.
- g) any penalties or restrictions, including but not limited to geographic restrictions or the inability of



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the provider to perform, on the delivery of merchandise, services or the prearrangement guarantee.

No person shall be designated the owner of a life insurance policy used to fund a prearrangement if the person's only insurable interest in the insured is the receipt of the proceeds from the policy or in naming who shall receive the proceeds. Such persons would include the funeral home providing the services and the insurance producer who sold the policy.

(Source: Section 930.60 renumbered to Section 930.70, new Section 930.60 adopted at 14 Ill. Reg. 13594, effective August 14, 1990.)

## Section 930.6070 General Rules (Renumbered)

- a) Each insurer shall maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use pursuant to this regulation. Such file shall contain one copy of each authorized form for a period of three years following the date of its last authorized use.
- b) An agent shall inform the prospective purchaser, prior to commencing a life insurance sales presentation, that he is acting as a life insurance agent and inform the prospective purchaser of the full name of the insurance company which he is representing to the buyer. In sales situations in which an agent is not involved, the insurer shall identify its full name.
- c) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the insurance agent is generally engaged in an advisory business in which compensation is unrelated to sales unless such is actually the case.
- d) Any reference to policy dividends must include a statement that dividends are not guaranteed.
- e) A system or presentation which does not recognize the time value of money through the use of appropriate interest adjustments shall not be used for comparing the cost of two or more life insurance policies. Such a system may be used for the purpose of demonstrating

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the cash-flow pattern of a policy if such presentation is accompanied by a statement disclosing that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today.

- f) A presentation of benefits shall not display guaranteed and non-guaranteed benefits as a single sum unless they are shown separately in close proximity thereto.
- g) A statement regarding the use of the Life Insurance Cost Indexes shall include an explanation to the effect that the indexes are useful only for the comparison of the relative costs of two or more similar policies.
- h) A Life Insurance Cost Index which reflects dividends or an Equivalent Level Annual Dividend shall be accompanied by a statement that it is based on the company's current dividend scale and is not guaranteed.
- i) For the purposes of this Rule, the annual premium for a basic policy or rider, for which the company reserves the right to change the premium, shall be the maximum annual premium.

(Source: Section 930.70 renumbered from Section 930.60 at 14 Ill. Reg. 13594, effective August 14, 1990.)

## Section 930.7080 Life Insurance Buyer's Guide, Language and Content (Renumbered)

The form requirements of the Life Insurance Buyer's Guide is to be found in Exhibit A of this Part as it appears in the Rules and Regulations of Illinois Insurance Department as prepared by the National Insurance Law Service. The reproduction of the Buyer's Guide should be as specified in Exhibit A with the one exception that the designation Exhibit A assigned by the Illinois Insurance Department should not be used.

(Source: Section 930.80 renumbered from Section 930.70 at 14 Ill. Reg. 13594, effective August 14, 1990.)

## Section 930.8090 Failure to Comply (Renumbered)

Failure of an insurer to provide or deliver a Buyer's Guide, or a Policy Summary as provided in Section 930.50 shall constitute



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an omission which misrepresents the benefits, advantages, conditions or terms of an insurance policy.

(Source: Section 930.90 renumbered from Section 930.80 at 14 Ill. Reg. 13594, effective August 14, 1990)

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Prevailing Wage Hearing Procedures

2) Code Citation: 56 Ill. Adm. Code 100

3) Sections numbers: Adopted Action:  
100.5 Amend  
100.10 Amend  
100.20 Renumbered  
100.22 New  
100.24 New  
100.26 New  
100.30 Amend  
100.60 Amend  
100.100 Amend  
100.120 Amend

4) Statutory Authority: Illinois Prevailing Wage Act (Ill. Rev. Stat. 1981, Ch. 48, par. 39s-11a, as amended by P.A. 83-813, effective January 1 1984)

5) Effective Date of Amendments: August 9, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date Filed in Agency's Principle Office: July 31, 1990

9) Notice of Proposal Published in Illinois Register: January 12, 1990, at 14 Ill. Reg. 536

10) Has JCAR issued a Statement of Objections to these rules? Yes

A) Statement of Objections: June 22, 1990, 14 Ill. Reg. 10126

B) Agency Response: 14 Ill. Reg. 13866

C) Date Agency Response Submitted for Approval to the Joint Committee: June 28, 1990

11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

To modify the third clause of Section 100.22(a) to read as follows: "produced falsified records or records not in compliance with the provisions of subsection (d) of this Section to the Department for inspection, as prohibited by Section 6 of the Act;"

To add the following text to Section 100.24 of its rulemaking:

Said notices shall contain a reference to the specific Sections of the Act or this Part alleged to have been violated; identify the particular public works



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project involved; the conduct complained of; an identification as to first or second notice and a statement of remedies available to the contractor or subcontractor and Department.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

To delete the text "first and" from the last sentence of Section 100.5 and replacing it with "a", and dropping the "s" from "violations" in that sentence.

To add the clarifying text "(numerically most occurring)" after "most frequently" in Section 100.22(c).

To delete the text "in work of a similar classification" from Section 100.22(c) and insert in lieu thereof "on public works".

To delete the text "or subclassification, if applicable," from Section 100.22(d).

To modify Section 100.22(a) by adding the following text at the end of that Section: "(regular business hours of the contractor or subcontractor or by mutual agreement between the Department and contractor or subcontractor)".

To replace "these Rules" with "This Part shall" in Section 100.5.

To capitalize "section" in Section 100.22(a).

In addition the following changes were made pursuant to objections raised by the Joint Committee on Administrative Rules:

## Sections 100.22 Definitions

e) "Determination" means the decision by the Director or his/her designee to issue a Notice of Violation to a contractor or subcontractor because the Act has been violated. Each specific finding listed in the Notice of Violation is a separate "Determination" that the Act has been violated.

f) "Notice of Violation" means the formal written notice to a contractor or subcontractor that the Department has made a determination(s) that the contractor or subcontractor has violated the Act.

## Section 100.24 Notice of Violation

(a) Upon receipt of a report of an inspection, survey or evaluation of a complaint against an employer, the Director or his/her designee shall review the findings contained in the investigative file to determine whether the findings constitute a violation or violations of which the contractor or subcontractor must be given notice. All

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information, evidence and observations made during an audit, investigation or survey shall be considered and shall constitute the basis for the Department's determination that the Act has been violated and that a Notice of Violation shall be issued. The Notice of Violation shall list the specific determination(s) that a contractor or subcontractor has violated the Act.

(b) The Notice of Violation shall state the amount of monies estimated due by the Department to be in controversy based on findings contained in the investigation file.

(c) In making a determination where a contractor or subcontractor has failed to allow the Director or his/her deputies or agents access to accurate payroll records, the Director shall rely on the information contained in the investigative file and shall assess a separate violation for each day worked by each worker on the subject project. Each determination of a separate violation under Section Five of the Act shall be listed in the Notice of Violation.

(d) In deciding whether the findings warrant a determination that the Act has been violated and require the issuance of a notice of violation, the Director or his/her designee shall base his/her decision on the following factors:

- 1) The severity of the violations. The Director or his/her designee will consider the following:
  - A) Whether the contractor or subcontractor is charged with violating the Act on at least (2)/two separate occasions.
  - B) The activity or conduct complained of violates the requirements of the statute and was not merely a technical, nonsubstantive error.
- 2) The frequency and duration of the present violation(s) as well as that of findings in previous investigations and the contractor or subcontractor's general inspection history. The Director or his/her designee may consider whether the same or similar findings, relating to the prior violations of the Act, has been the result of prior investigations; and whether the contractor or subcontractor has allowed the conditions or violations to continue or recur.
- 3) The amount of wages determined to be in controversy (the difference between the amount actually paid and the required prevailing wage for that type of work). The Director or his/her designee may consider the amount of money in controversy for the cited violation(s).
- 4) Whether the contractor or subcontractor has kept or caused to be kept an accurate record showing names and occupations of all laborers, workers and mechanics employed by them in connection with said public work and showing the actual hourly wages paid to each of such persons, which record shall be open at all reasonable hours to the inspection of the public body awarding



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the contract, its officers and agents, and to the Director of Labor and his/her deputies and agents.

- 5) The failure of a contractor or subcontractor to allow the Department reasonable access to their payroll records.

- (e) .... Said notices shall contain a reference to the specific Sections of the Act or this Part alleged to have been violated; identify the particular public works project involved; the conduct complained of; an identification as to first or second notice and a statement of remedies available to the contractor or subcontractor and Department.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments:

The Amendments make changes in procedure and add definitions to the existing hearing rule to provide for hearings after a contractor is automatically prohibited from being awarded public works contracts after two violations of the Prevailing Wage Act. The debarred contractor must request a hearing. Definitions of "violation", "second violation", "prevailing hourly rate of wages", "accurate records", "determination" and "notice of violation", are added. Nonsubstantive revisions of citations; and typographical errors were made.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: David H. Hayes

Address: Division of Conciliation-Mediation

Department of Labor

Springfield, Illinois 62701-1217

Telephone: (217) 782-1710

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER a: GENERAL ADMINISTRATIVE RULES

## PART 100

## PREVAILING WAGE HEARING PROCEDURES

## Section

100.5 Applicability

100.10 Policy

100.20 Applicability (Renumbered)

100.22 Definitions

100.24 Notice of Violation

100.26 Initiation of Hearing

100.30 Notice of Hearing

100.40 Intervention

100.50 Postponement or Continuance of Hearing

100.60 Hearing Examiner; Power and Duties

100.70 Pre-Hearing Conference

100.80 Consent Findings and Rules or Orders

100.90 Discovery

100.100 Hearing

100.110 Hearing Examiner's Decision

100.120 Judicial Review

AUTHORITY: Implementing and authorized by Section 39s-11a of the Illinois Prevailing Wage Act (Ill. Rev. Stat. 1981, ch. 48, par. 39s-11a, as amended by P.A. 83-813, effective January 1, 1984).

SOURCE: Adopted at 8 Ill. Reg. 1586, effective January 20, 1984; emergency amendments at 14 Ill. Reg. 536, effective January 1, 1990, for a maximum of 150 days; emergency expired May 31, 1990; amended at 14 Ill. Reg. 13608 effective August 9, 1990.

## Section 100.5 Applicability

These rules This Part shall apply to all hearings conducted by this Department of Labor under Section 39s-11a of the Illinois Prevailing Wage Act "AN ACT regulating wages of laborers, mechanics, and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works" (the Act) (Ill. Rev. Stat. 1987, ch. 48, par. 39s-11a as amended by P.A. 86-693 and P.A. 86-799 both effective January 1, 1990) for purposes of debarring a contractor or subcontractor from contracting for public works as defined in the Act for a two year period. Such debarment is automatic after the contractor or subcontractor has received notice of a second violation of the Act, unless within 10 working days of receipt of the notice of a second violation he requests a hearing in writing in accordance with these rules.



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(Source: Renumbered from Section 100.20 and amended at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.10 Policy

All hearings shall be conducted in the most economic, expeditious and reasonable manner that is in accordance with Illinois law and these and other applicable rules. These rules are promulgated to guide the Hearing Examiner in his/her duties. Operational interpretations are to be made in a flexible manner designed to secure the State's needs and protect its interests to provide all parties with a fair and impartial hearing, consistent with the declaration of policy in Section 1 of the Act).

(Source: Amended at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.20 Applicability

(Source: Renumbered to Section 100.5 at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.22 Definitions

- a) "Violation" means a written determination by the Department that a contractor or subcontractor has: failed or refused to pay the prevailing wage to one or more laborers, workers, or mechanics under a single contract or subcontract as required by Section 3 of the Act; failed to keep accurate records as required by Section 5 of the Act; produced falsified records or records not in compliance with the provisions of subsection (d) of this Section to the Department for inspection, as prohibited by Section 6 of the Act; refused to submit records to the Department in response to a subpoena issued in accordance with Section 10 of the Act; or refused access to the Department for inspection of records at any reasonable hours as required by Section 5 of the Act (regular business hours of the contractor or subcontractor or by mutual agreement between the Department and contractor or subcontractor).
- b) "Second violation" is a violation as defined in subsection (a) which has occurred within two years of a previous violation.
- c) "Prevailing hourly rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works, as determined by the public body awarding the contract or the most recent revision as determined by the Department of Labor effective prior to the date when the contract was let for bids or, if not let for bids, when executed; and all revisions by the Illinois Department of Labor when effected.
- d) "Accurate records" means the names, addresses, telephone numbers and

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social security numbers of all employees engaged in a public works project; each employee's classification for the type of work actually performed on the public works project; the hours worked each day, including any overtime hours; the hourly rate of pay for straight time hours worked; the hourly rate of pay for overtime hours worked; the hourly rate paid for fringe benefits, including pension, health and welfare and vacations, and a designation of whether such fringe benefits were paid into a fund or paid directly to the employee; each employee's gross weekly wage, withholdings and net weekly wage.

e) "Determination" means the decision by the Director or his/her designee to issue a Notice of Violation to a contractor or subcontractor because the Act has been violated. Each specific finding listed in the Notice of Violation is a separate "Determination" that the Act has been violated.

f) "Notice of Violation" means the formal written notice to a contractor or subcontractor that the Department has made a determination(s) that the contractor or subcontractor has violated the Act.

(Source: Added at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.24 Notice of Violation

- (a) Upon receipt of a report of an inspection, survey or evaluation of a complaint against an employer, the Director or his/her designee shall review the findings contained in the investigative file to determine whether the findings constitute a violation or violations of which the contractor or subcontractor must be given notice. All information, evidence and observations made during an audit, investigation or survey shall be considered and shall constitute the basis for the Department's determination that the Act has been violated and that a Notice of Violation shall be issued. The Notice of Violation shall list the specific determination(s) that a contractor or subcontractor has violated the Act.
- (b) The Notice of Violation shall state the amount of monies estimated due by the Department to be in controversy based on findings contained in the investigation file.
- (c) In making a determination where a contractor or subcontractor has failed to allow the Director or his/her deputies or agents access to accurate payroll records, the Director shall rely on the information contained in the investigative file and shall assess a separate violation for each day worked by each worker on the subject project. Each determination of a separate violation under Section Five of the Act shall be listed in the Notice of Violation.
- (d) In deciding whether the findings warrant a determination that the Act has been violated and require the issuance of a notice of violation, the Director or his/her designee shall base his/her decision on the following factors:
- 1) The severity of the violations. The Director or his/her designee



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will consider the following:

- A) Whether the contractor or subcontractor is charged with violating the Act on at least (2)/two separate occasions.  
B) The activity or conduct complained of violates the requirements of the statute and was not merely a technical, non-substantive error.

2) The frequency and duration of the present violation(s) as well as that of findings in previous investigations and the contractor or subcontractor's general inspection history. The Director or his/her designee may consider whether the same or similar findings, relating to the prior violations of the Act, has been the result of prior investigations; and whether the contractor or subcontractor has allowed the conditions or violations to continue or recur.

3) The amount of wages determined to be in controversy (the difference between the amount actually paid and the required prevailing wage for that type of work). The Director or his/her designee may consider the amount of money in controversy for the cited violation(s).

4) Whether the contractor or subcontractor has kept or caused to be kept an accurate record showing names and occupations of all laborers, workers and mechanics employed by them in connection with said public work and showing the actual hourly wages paid to each of such persons, which record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the Director of Labor and his/her deputies and agents.

5) The failure of a contractor or subcontractor to allow the Department reasonable access to their payroll records.

(e) The notices of the first and second violations shall be sent by the Department by certified mail, deposited in the United States mail, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved. Said notices shall contain a reference to the specific Sections of the Act or this Part alleged to have been violated; identify the particular public works project involved; the conduct complained of; an identification as to first or second notice and a statement of remedies available to the contractor or subcontractor and Department.

(Source: Added at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.26 Initiation of Hearing

- a) Request for Hearing: A hearing shall be initiated upon the request of a contractor or subcontractor after he has received the notice of a second violation of the Act. Such request must be in writing and mailed by certified mail or delivered in person to the Department within 10 working days of receipt of the notice of a second violation.

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- b) Initiation: A hearing shall be initiated by the issuance by the Director of Labor or his/her authorized representative of a Written Notice of Hearing.

(Source: Added at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.30 Notice of Hearing

a) Initiation:--All hearings shall be initiated by the issuance by the Director of Labor or his authorized representative of a Written Notice of Hearing: c) Contents: A Notice of Hearing served under paragraph (a) subsection (b) of this Section 100.26 shall include:

- 1) The time, place, date and nature of the hearing;
  - 2) The legal authority and jurisdiction under which the hearing is to be held;
  - 3) A reference of the particular section of statutes and rules involved;
  - 4) A short and plain statement of the matters asserted; and
  - 5) A designation of a Hearing Examiner to preside over the hearing and the address of the Hearing Examiner.
- b) Service of the Notice of Hearing: Service shall be complete when the Notice of Hearing is served
- 1) in person or,
  - 2) deposited in the United States Mail, registered or certified, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved, not less than fourteen (14) days before the day designated for the hearing.
- dc) Referral of Hearing Examiner: A copy of a notice of hearing served issued pursuant to paragraph (a) subsection (b) of this Section 100.26 shall be referred to the Hearing Examiner.

(Source: Amended at 14 Ill. Reg. 13608, effective August 9, 1990)

Section 100.60 Hearing Examiner; Power and Duties

- a) Powers: A Hearing Examiner designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:

- 1) To administer oaths and affirmations;
- 2) To rule upon offers of proof and receive relevant evidence;
- 3) To exercise the power of the Director and issue subpoenas under any statute;
- 4) To provide for discovery and to determine its scope;
- 5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- 6) To consider and rule upon procedural requests;



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- 7) To hold conferences for the settlement or simplification of the issues;
- 8) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- 9) To make or cause to be made an inspection of the employment or place of employment involved;
- 10) To make decisions in accordance with the Illinois Prevailing Wage Act, this Part, and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.).
- b) Ex Parte Consultations: Except in the disposition of matters which are authorized by law to be entertained or disposed of on an ex parte basis, no agency member, or employee or Hearing Examiner shall, after notice of hearing pursuant to this part, communicate directly or indirectly in connection with any issue of fact with any person or party or in connection with any other issue with any party or his representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or Hearing Examiner may have the aid and advice of one or more personal assistants.
- c) Disqualification:
- 1) When a Hearing Examiner deems himself/herself unqualified to preside over a particular hearing, he/she shall withdraw therefrom by notice on the record directed to the Director of Labor.
  - 2) Any party who deems a Hearing Examiner, for any reason, to be unqualified to preside or to continue to preside over a particular hearing may file with the Director of Labor a motion to disqualify and remove the Hearing Examiner; and such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Director of Labor shall rule on the motion.
  - d) Contumacious Conduct--Failure of or Refusal to Appear or Obey the Rulings of a Presiding Hearing Examiner:
    - 1) Contumacious conduct at any hearing before the Hearing Examiner shall be grounds for sanctions to be imposed by the Hearing Examiner ~~as provided in Chapter 487--of--the--Illinois--Revised Statutes.~~
    - 2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Hearing Examiner shall render a decision based upon the information available.
  - e) Referral to Illinois Supreme Court Rules: On any procedural question not regulated by this Part, the Illinois Prevailing Wage Act and ~~rules of the Illinois Administrative Procedure Act (1-111-Adm--Code)~~, a Hearing Examiner may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules.

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 14 Ill. Reg. 13608, effective August 9, 1990)

## Section 100.100 Hearing

- a) Nature: All hearings shall be public.
- b) Order of Proceedings: The following shall be the order of proceeding of all hearings, subject to modification by the presiding Hearing Examiner for good cause.
  - 1) Reading Notice of Hearing by Hearing Examiner.
  - 2) Presentation, argument and disposition of motions preliminary to a hearing or the merits of the matters raised in the notice or answer.
  - 3) Offer of proof by respondent in response to the complaint of alleged violation.
  - c) Burden of Proof: The Department of Labor shall have the burden of proof. The standard of proof shall be a preponderance of the evidence.
  - d) Default: Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Examiner shall constitute a default. The Hearing Examiner shall thereupon enter such findings, opinions and order as is appropriate under the pleadings and such evidence as he/she shall receive into the record.
  - e) Evidence
    - 1) Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Hearing Examiner shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a Hearing Examiner shall allow evidence to be received in written form.
    - 2) Testimony of Witnesses: The testimony of a witness shall be under oath or affirmation administered by the presiding Hearing Examiner.
    - f) Transcript: Oral proceedings or any part thereof shall be recorded by a certified court reporter or by a mechanical recording device. The only Certified Record shall be the record kept by the Department of Labor. Such records shall be transcribed:
      - 1) upon written application filed with the Hearing Examiner or by instructions from the Hearing Examiner, the Department of Labor shall cause a record of the proceeding to be transcribed.



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- 2) upon receipt of summons in Administrative Review or Order of court. Any recording or transcription will be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the Director of Labor or law.

- 9) Official Record: The official record of all hearings pursuant to this Part shall consist of the information enumerated in Section 11 of the Illinois Administrative Procedure Act, including:

- 1) The Request for Hearing;
- 2) The Notice of Hearing;
- 3) A transcript of the hearing;
- 4) Hearing Examiner Findings of Fact, Conclusion of Law and Order.

(Source: Amended at 14 Ill. Reg. 13608, effective August 9, 1990)

## Section 100.120 Judicial Review

- a) If the proceedings to review judicially the final determination of the Department of Labor are not instituted as hereafter provided, such determination shall be final and binding upon publication in the Illinois Register.

- b) The provisions of the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.), and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final "administrative decisions" of the Department of Labor hereunder. The term administrative decision is defined as in Section 3-101 of said Administrative Review Law.

(Source: Amended at 14 Ill. Reg. 13608, effective August 9, 1990)

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: The Illinois Oil and Gas Act

- 2) Code Citation: 62 Ill. Adm. Code 240

- 3) Section Numbers Adopted Action  
240.650 Amend  
240.655 New Section  
240.1160 Repeal

- 4) Statutory Authority: Implemented and authorized by Section 6 and 8a of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, Ch. 96 1/2, par. 5409 and 5413)

- 5) Effective Date of Amendments: August 8, 1990

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: August 3, 1990

- 9) Notice of Proposed Amendments Published in Illinois Register:

March 9, 1990; 14 Ill. Reg. 3394

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

Pursuant to public comment:

- a) In Section 240.655(c)(1),(2),(3),(4), "within 15 days" has been deleted and "prior to" has been inserted in (c)(1),(2) and (3); in (c)(5) "well records or" has been added after ", based upon".

- b) In Section 240.655(d), "tested" has been clarified to read "subjected to an internal mechanical integrity pressure test".

- c) In Section 240.655(e)(2), in line 3, "unsound" has been clarified to read "improperly constructed"; in line 5, "an alternative" has been changed to read "a monitoring test in lieu of the pressure test"; in line 9, "injection rate" has been changed to "annular pressure"; in line 10, "an alternative" has been changed to "a".

- d) In Section 240.655(g), "To establish external mechanical integrity, all Class II injection wells shall have cement placed behind the outermost string of production casing at the depth of the permitted interval of injection (or above the permitted interval but below the next highest



injection interval in an open hole completion) to prevent fluid from migrating into the fresh water or other unpermitted intervals. Such cement shall extend:" has been added at the end of the sentence.

e) In Section 240.655(g)(1) and (2), "In" has been added at the beginning of the sentence; and in line 2, "shall have cement placed behind that string of casing which is adjacent to the wellbore at the depth of the permitted interval of injection the injected fluid from migrating into the fresh water or other unpermitted intervals. Such cement shall extend" has been deleted; and "or the bottom of the casing in an open hole completion" has been added to the end of the sentence.

f) A new subsection (3) has been added to Section 240.655(g).

g) Section 240.655(h) has been changed to read as follows:

"No newly drilled or converted Class II Injection Well permitted after the effective date of this Section shall be operated until it has demonstrated external mechanical integrity."

h) A new subsection (i) has been added to Section 240.655.

Pursuant to Agreements from JC&R and Administrative Code:

- a) The Authority Note, in line 3, Ill. Rev. Stat. has been updated to "1989".
- b) The Source Note, line 5, the comma following the recodified entry has been changed to a semi colon.
- c) The Department has placed the unlabeled paragraph following Section 240.655(e)(2)(D) in the test of 240.655(e)(2).
- d) In Section 240.1160, the word (Repealed) following the heading of the Section has been underlined.
- e) In Sections 240.655(a) and (b), "must" has been changed to "shall".
- f) In Section 240.655(c)(5), after the text "observation" to cross-reference its enforcement rules contained elsewhere in this Part by adding the text: "and subject to the provisions of Sections 240.140, 240.150, and 240.170 of this Part".
- g) In Section 240.655(c)(5) "or improperly constructed" has been added after "leaking".
- h) In Section 240.655(e)(2) and (g)(3), "will" has been changed to "shall".
- i) In Section 240.655(i), "well must be" has been deleted and inserted instead "permittee shall".

- j) In Section 240.655(f), "class injection well" has been capitalized.
- k) The name of this Part has been changed to "The Illinois Oil and Gas Act".
- l) Have all changes agreed upon by JC&R and the agency been made as indicated in the agreement letter issued by JC&R to the agency? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any amendments pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
240.1105	Repealed	14 Ill. Reg. 26 (10288)
240.1110	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1120	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1130	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1140	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1150	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1151	New Section	14 Ill. Reg. 26 (10288)
240.1170	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1180	Repealed & New Section	14 Ill. Reg. 26 (10288)
240.1190	Amended	14 Ill. Reg. 26 (10288)

15) Summary and Purpose of Rule(s): Proposed Section 240.655 revises requirements for the mechanical integrity testing of Class II Injection Wells previously contained in subsection (d) of Section 240.650. Mechanical integrity testing is a requirement under the Safe Drinking Water Act (42 U.S.C. 300f, et seq.) implemented by the Department under Section 8a of the Illinois Oil and Gas Act.

The Department proposes to repeal Section 240.1160 which has allowed, under certain circumstances, the conversion of an oil and gas well to a water well. Since the transfer of regulatory authority over water wells from the Department of Mines and Minerals to the Department of Public Health, such conversions are not allowed and the rule is obsolete.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch  
Rules Coordinator

Address: 300 W. Jefferson, Suite 300  
P.O. Box 10137  
Springfield, IL 62791-0137



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 240

## THE ILLINOIS OIL AND GAS ACT

## SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

## SUBPART B: APPLICATION PROCEDURES AND PERMIT REQUIREMENTS

Section	
240.210	General Provisions
240.220	Application for Permit to Drill, Deepen or Convert Well
240.230	Application for Permit for Geological or Structural Test Hole
240.240	Permits for Salt Water Disposal or for Gas, Air, Water, or other Liquid Input Wells
240.250	Permit Requirements in Mine Areas
240.255	Underground Injection and Disposal Projects
240.260	Application for Approval of Enhanced Recovery Projects
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations
240.280	Duration of Underground Injection Well Orders

## SUBPART C: TRANSFER OF OWNERSHIP AND BONDING

Section	
240.305	Transfer of Management



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240.310 When Bonds Required--Amount  
 240.320 Kind of Bond--Execution  
 240.330 Bond of Manager  
 240.340 Bond Form--Approval  
 240.350 Surety May Cancel Bond  
 240.360 Mining Board May Cancel Bond  
 240.370 Casing Puller's Bond

## SUBPART D: SPACING OF WELLS

Section  
 240.410 General Spacing Rules  
 240.420 Secondary Recovery  
 240.430 Nonconforming Wells to be Plugged

## SUBPART E: DRILLING AND CASING PROCEDURES

Section  
 240.510 Return of Completion Core  
 240.520 Cable Tool Drilling Rules  
 240.530 Slush and Mud Pits

SUBPART F: PRODUCTION AND INJECTION WELL  
OPERATING REQUIREMENTS

Section  
 240.610 Return of Completion Card  
 240.620 Well Log to be Filed  
 240.630 Contents of Well Log  
 240.640 Collection of Drill Cuttings  
 240.650 Operating Requirements for Enhanced Recovery Injection and Disposal Wells

240.655 Mechanical Integrity Testing for Class II Injection Wells  
 240.660 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells

## SUBPART G: WASTE PROHIBITED

Section  
 240.710 Avoidable Waste of Gas  
 240.720 Escape of Unburned Gas Prohibited

## SUBPART H: PROTECTION OF WORKABLE COAL BEDS

Section  
 240.805 Introduction  
 240.810 Workable Coal Beds Defined  
 240.820 Mining Board may Determine Presence of Coal Seams  
 240.830 Well Locations Prohibited

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## NOTICE OF ADOPTED AMENDMENT(S)

240.840 Notice to Mining Board  
 240.850 Casing and Protective Work  
 240.860 Operational Requirements Over Active Mine

SUBPART I: GENERAL LEASE OPERATING REQUIREMENTS AND  
AVOIDANCE OF SURFACE POLLUTION

Section  
 240.905 Introduction  
 240.910 Disposal in Underground Stratum  
 240.920 Disposal in Earthen Pits  
 240.930 Pipes to be Kept in Repair  
 240.940 Burn Off Pits  
 240.950 Lease Tank Reservoirs  
 240.960 Fire Hazards at Well Locations  
 240.970 Mining Board Supervision  
 240.980 Yearly Inspection--of Pits--Revocation of Permits--Orders for Corrective Action and Other Disposal Lease and Well Identification

## SUBPART J: VACUUM

Section  
 240.1005 Requirements for Use of Vacuum Pumps  
 240.1010 Application for Use of Vacuum  
 240.1020 Notice and Hearing on Application  
 240.1030 Mining Board Authority

## SUBPART K: PLUGGING OF WELLS

Section  
 240.1105 Plugging of Non-Productive Wells  
 240.1110 Mining Board Supervision  
 240.1120 When Well to be Plugged  
 240.1130 Prior Notice to Mining Board Representatives  
 240.1140 Owner to Furnish Well Log  
 240.1150 Plugging Methods and Procedures  
 240.1160 Converting to Water Well (Repealed)  
 240.1170 Restoration of Surface  
 240.1180 Extension of Time to Plug Well  
 240.1190 Filing Plugging Affidavit

## SUBPART L: VALIDITY OF RULES

Section  
 240.1200 Severability

## SUBPART M: OIL FIELD BRINE HAULING



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Section	Authority, Policy and Purpose
240.1310	Definitions
240.1320	Oil Field Brine Haulers Permit
240.1330	Applications for Brine Hauling Permit Shall Include the Following:
240.1340	Applications for Oil Field Brine Hauling Permits--Signatures and Authorization
240.1350	Oil Field Brine Hauling Permit Conditions
240.1360	Inspection of Vehicles
240.1370	Transfer of Permits
240.1380	Revocation of Oil Field Brine Hauling Permit
240.1385	Records and Reporting Requirements
240.1390	Bonds--Blanket Surety Bond
240.1395	

**AUTHORITY:** Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

**SOURCE:** Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990.

## SUBPART F: PRODUCTION AND INJECTION WELL OPERATING REQUIREMENTS

## Section 240.650 Operating Requirements for Enhanced Recovery Injection and Disposal Wells

- a) Initial Requirements:
- 1) Each enhanced recovery injection well or disposal well shall be completed, equipped, operated and maintained in a manner that will prevent pollution of fresh water or damage to sources of oil or gas and will confine injected fluids to the interval or intervals approved.
  - 2) Injection of any substance shall be through adequate tubing and packer. In addition, for every enhanced recovery injection well or disposal well, the operator shall provide a one-fourth (1/4) inch female fitting, with cut-off valve, to the tubing so that the amount of injection pressure being used may be measured by a representative of the Division of Oil and Gas by attaching a gauge having a one-fourth (1/4) inch male fitting.
  - 3) Before operating a new well drilled for enhanced recovery injection or disposal, the casing outside the tubing shall be tested under the supervision of a representative of the Division of Oil and Gas at a pressure not less than the maximum authorized injection pressure or at a pressure of 300 psi, whichever is greater.

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- 4) Before operating an existing well newly converted to enhanced recovery injection or disposal, the casing outside the tubing shall be tested under supervision of a representative of the Division of Oil and Gas at a pressure of 1000 psi or maximum authorized injection pressure, whichever is lesser, provided no testing pressure shall be less than 300 psi.
- 53) Notify the Division of any anticipated change in a project resulting in alteration of the conditions originally approved.
- 64) Use injection piping, valves and facilities that meet or exceed design standards for the maximum anticipated injection pressure and to maintain the equipment in a safe and leak-free condition.
- 75) Equip all injection wells, except steam, air and pipeline quality gas wells with tubing and a packer set immediately above the approved zone of injection.
- 86) Maintain data to show performance of the project to establish that no damage is occurring to life, health, property and natural resources. The data shall be available for periodic inspection by Division personnel.
- 97) Cease injection if there is evidence of damage or upon written notice of the Division.
- b) Additional requirements or modifications of the above requirements may be necessary to fit specific circumstances and types of projects. Some of the examples of such requirements are as follows:
- 1) Injectivity tests.
  - 2) Graphs of oil, water and gas production vs. time.
  - 3) Graphs of tubing pressure, casing pressure and injection rate vs. time for each injection well.
  - 4) Isobaric maps of the injection zone, submitted annually.
  - 5) Notification of any change in waste disposal methods.
- c) If the Division of Oil and Gas orders tests or remedial work that in its judgment are necessary to protect underground water, the owner or operator must, within thirty (30) days of the order, commence the work ordered and continue it until completion.
- d) Mechanical integrity pressure or monitoring test requirements The following pressure or monitoring test must be performed on new and existing enhanced recovery injection wells and disposal wells to periodically establish the mechanical integrity of the tubing, casing and packer:
- i) Pressure Test
- The casing tubing annulus above the packer shall be tested not less than once each five years under the supervision of the Division of Oil and Gas at a pressure equal to maximum authorized injection pressure or at a pressure of 1000 psi, whichever is less, provided no testing pressure shall be less than 300 psi. Documentation of the test shall be submitted to the Division of Oil and Gas not so supervised or
- ii) Monitoring Test
- 2) Monitoring Test
- In lieu of casing pressure test required in (i) above, the operator shall monitor and record during actual injection the



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**pressure-in-the-casing-tubing-annulus-monthly-and-to-report--the pressures-annually**

(Source: Amended at 14 Ill. Reg. 13620, effective August 8, 1990)

**Section 240.655 Mechanical Integrity Testing for Class II Injection Wells**

a) The permittee shall contact the well inspector for the county in which the well is located at least twenty-four (24) hours prior to the initial setting or any resetting of the packer in a Class II Injection Well to enable the inspector to be present when the packer is set. Setting of the packer shall be reported on a form prescribed by the Department.

b) The permittee shall contact the well inspector for the county and schedule an internal mechanical integrity test prior to commencement of injection into:

- 1) a newly permitted Class II Injection Well;
- 2) a Class II Injection Well after change to a new, permitted injection zone;
- 3) a Class II Injection Well after resetting or movement of the packer; and
- 4) a Class II Injection Well after reactivation from temporary abandonment status.

c) An internal mechanical integrity test shall be performed under the supervision of a well inspector:

- 1) prior to initial injection into a newly permitted Class II Injection Well;
- 2) prior to initial injection into a Class II Injection Well after a change to a new permitted injection zone;
- 3) prior to resuming injection into any Class II Injection Well after any work over of the well involving the resetting or movement of a packer;
- 4) prior to initial injection into a Class II Injection Well after the well has been reactivated from temporary abandonment status; whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II Injection Well may be leaking or improperly constructed; and
- 6) at least once every five (5) years measured from the date of the last successful test.

d) All Class II Injection Wells not subjected to an internal mechanical integrity pressure test as of the effective date of this Section, shall be tested during the 5 years after the effective date. Each permittee shall conduct an internal mechanical integrity test on at least 20% of the permittee's total untested Class II Injection Wells each year.

e) Internal Mechanical Integrity (Part I):

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The following pressure test shall be performed on Class II Injection Wells to establish the internal mechanical integrity of the tubing, casing and packer of the well.

- 1) Pressure Test  
The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 300 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than five (5) percent of the starting test pressure during the test. The well may be operating or shut in during the test.

- 2) Monitoring Test  
For those wells which are physically unable to perform the pressure test specified in subsection (e)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

- A) The volume of the casing-tubing annulus;
- B) Depth of packer;
- C) Pressure below the packer; and
- D) Type of tubing and packer.

- f) Any Class II Injection Well which fails an internal mechanical integrity test or on which an internal mechanical integrity test has not been performed when required by subsection (c) above, shall be shut in until the well is plugged, converted to a producing well, or until remedial work is commenced and completed in accordance with Section 240.650(c) and an internal mechanical integrity test is successfully completed.

- g) External Mechanical Integrity (Part II):  
The external mechanical integrity, i.e., outside of the casing, shall be evaluated by the Department to establish that the fresh water and other zones are protected from upward migration of fluids. To establish external mechanical integrity, all Class II injection wells shall have cement placed behind the outermost string of production casing at the depth of the permitted interval of injection (or above the permitted interval but below the next highest injection interval in an open hole completion) to prevent fluid from migrating into the fresh water or other unpermitted intervals. Such cement shall extend:

- 1) In any newly drilled Class II Injection Well permitted after the effective date of this Section, at least 250 feet above the top



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of the permitted interval of injection or the bottom of the casing in an open hole completion.

- 2) In any existing production well permitted for conversion to a Class II Injection Well after the effective date of this Section, at least 100 feet above the top of the permitted interval of injection or the bottom of the casing in an open hole completion.
- 3) In any existing Class II Injection Well, other than a well referred to in subsections (g)(1) and (g)(2) above, a sufficient distance above the top of the permitted interval of injection or above the bottom of the casing in an open hole completion to prevent upward migration of fluid. In determining the sufficiency of cement, the Department shall consider the amount of cement, the location of the packer and the injection pressure.
- 4) If external mechanical integrity, under subsections (g)(1) or (2) above, cannot be demonstrated by cement records or Illinois State Geological Survey record, the permittee may utilize one or more of the following methods to demonstrate External Mechanical Integrity:
  - A) Temperature log indicating top of cement.
  - B) Conventional acoustic cement bond log with travel time and amplitude clearly marked.
  - C) Advanced cement evaluation logs.
  - D) Radioactive tracer survey indicating lack of fluid migration behind the casing.
  - E) Oxygen-activation log indicating lack of fluid migration behind the casing.

- h) No newly drilled or converted Class II Injection Well permitted after the effective date of this Section shall be operated until it has demonstrated external mechanical integrity.
- i) If the Department has reason to believe, based upon well records or field observation, that any Class II Injection Well is causing fluid migration into the fresh water resulting from a failure of external mechanical integrity, the permittee shall shut the well in until the well is plugged, converted to a producing well, or until remedial cement work is commenced and completed in accordance with Section 240.650(c) or external mechanical integrity is established in accordance with subsection (g)(4) above.

(Source: Added at 14 Ill. Reg. 13620, effective August 8, 1990)

SUBPART K: PLUGGING OF WELLS

Section 240.1160 Converting to Water Well (Repealed)

When the fee owner of the surface desires to utilize a well to be abandoned for fresh water purposes, such well need not be filled above the fresh water strata or bed, but a twenty-five foot (25) cement plug shall be placed immediately below such fresh water bed, provided, however, written authority for such use

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is secured from the fee owner who shall also sign and file with the Mining Board a release form furnished by the Mining Board thereby releasing the owner, manager, or operator from all responsibility and statutory or other requirements for the further plugging of said well.

(Source: Repealed at 14 Ill. Reg. 13620, effective August 8, 1990)



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DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES
- 2) Code Citation: 32 Ill. Adm. Code 351
- 3) Section Number: 351.1080  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 6 and 6b of the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 216 and 216b), and Section 5 of "AN ACT in relation to personnel radiation monitoring" (Ill. Rev. Stat. 1989, ch. 111½, par. 230.15).
- 5) Effective Date of Amendments: August 13, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes, the amendment contains material incorporated by reference pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: August 3, 1990
- 9) Notices of Proposal Published in Illinois Register:  
October 13, 1989, 13 Ill. Reg. 15980
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
  - a) The citation to the Illinois Revised Statutes has been changed from the 1987 edition to the 1989 edition in the Authority note.
  - b) In Section 351.1080(a)(3), line 6, a period has been inserted after the word "editions"; and on line 7, the comma has been deleted immediately before the figure "10-1968".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

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13634  
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- 15) Summary and Purpose of Amendments: The amendment will modify current performance testing requirements applicable to sealed radioactive sources used in downhole well logging operations. This amendment also repeals the requirement that each sealed source be certified as meeting the performance testing requirements and will require that only prototypes of such sources be tested. The Department believes, that since there are no firms that will perform tests on used sealed sources, testing of prototypes will provide adequate protection of public health and safety.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
785-9880

The full text of the Adopted Amendment begins on the next page:



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTIONPART 351  
RADIATION SAFETY REQUIREMENTS FOR WIRELINE  
SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

Section	Purpose
351.10	Scope
351.20	Definitions
351.30	Prohibition
351.40	Limits on Levels of Radiation
351.1010	Storage Precautions
351.1020	Transport Precautions
351.1030	Radiation Survey Instruments
351.1040	Leak Testing of Sealed Sources
351.1050	Quarterly Inventory
351.1060	Utilization Records
351.1070	Design, and Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations
351.1080	Labeling
351.1090	Inspection and Maintenance
351.1100	Training Requirements
351.2010	Operating and Emergency Procedures
351.2020	Personnel Monitoring
351.2030	Security
351.3010	Handling Tools
351.3020	Subsurface Tracer Studies
351.3030	Particle Accelerators
351.3040	Radiation Surveys
351.4010	Documents and Records Required at Field Stations
351.4020	Documents and Records Required at Temporary Job Sites
351.4030	Notification of Incidents, Abandonment, and Lost Sources
351.5010	Subjects To Be Included In Training Courses For Logging Supervisors
APPENDIX A	Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole
APPENDIX B	

AUTHORITY: Implementing and authorized by Sections 6 and 6b of the Radiation Protection Act (Ill. Rev. Stat. 1987 1989, ch. 111, pars. 216 and 216b), and Section 5 of "AN ACT in relation to personnel radiation monitoring" (Ill. Rev. Stat. 1987 1989, ch. 111, par. 230.15).

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SOURCE: Adopted at 10 Ill. Reg. 17507, effective September 25, 1986; amended at 11 Ill. Reg. 5215, effective March 13, 1987; amended at 13 Ill. Reg. 13605, effective August 11, 1989; amended at 14 Ill. Reg. 13633, effective August 13, 1990.

## Section 351.1080 Design, and Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations

- a) Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations and manufactured after one (1) year from the effective date of this Part shall be certified by the manufacturer to meet the following minimum criteria. A licensee may not use a sealed source in well logging unless:
- 1) be of the sealed source is doubly encapsulated construction;
  - 2) contain the sealed source contains radioactive material whose chemical and physical forms are insoluble and non-dispersible; and
  - 3) has been individually pressure tested to at least 24,656 pounds per square inch absolute (170 MM/MPa) without failure a prototype of the sealed source has been tested and meets the performance standards for oil well logging sources contained in either the United States of America Standards Institute (USASI) Standard No. N5.10-1968 or the American National Standards Institute (ANSI) Standard No. N542-1977 (1978 edition), exclusive of subsequent amendments or editions. A copy of USASI Standard No. N5.10-1968 and ANSI Standard No. N542-1977 are available for public inspection at the Department's offices, 1035 Outer Park Drive, Springfield, Illinois.

- b) For sealed sources, except those containing radioactive material in gaseous form, acquired one (1) year after the effective date of this Part, in the absence of a certificate from a transferor certifying that an individual sealed source meets the requirements of Section 351.1080(a), the sealed source shall not be put into use until such determinations and testing have been performed. The requirements of subsection (a) do not apply to sealed sources that contain licensed material in gaseous form.

- c) Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations two (2) years after the effective date of this Part shall be certified by the manufacturer or



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other testing organization acceptable to the Department as meeting the sealed source performance requirements for oil well-logging as contained in the American National Standard N642, "Sealed Radioactive Sources, Classification" 1978 edition. Subsequent amendments or editions of American National Standard N642 are not incorporated in this rule. A copy of American National Standard N642 is available for public inspection at the Department of Nuclear Safety. Copies of the Standard can be obtained directly from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

- d) Certification documents shall be maintained for inspection by the Department for a period of two (2) years after source disposal. If the source is abandoned downhole, the certification documents shall be maintained until the Department authorizes disposition.

(Source: Amended at 14 Ill. Reg. 13633 effective August 13, 1990)

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13638  
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- 1) The Heading of the Part: RADIATION INSPECTORS AND INSPECTIONS
- 2) Code Citation: 32 Ill. Adm. Code 410
- 3) Section Number: 410.60  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4 and 8.9 of the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½ pars. 214 and 218.9).
- 5) Effective Date of Amendments: August 13, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 3, 1990
- 9) Notices of Proposal Published in Illinois Register  
November 13, 1989, 13 Ill. Reg. 17184
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
  - a) In the Authority note, on line 2, after "218.9" the comma has been deleted and the Public Act citation has been deleted.
  - b) The citation to the Illinois Revised Statutes has been changed from the 1987 edition to the 1989 edition in the Authority note.
  - c) In Section 410.60(e), on line 8, the word "rule" has been changed to the word "Section".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment will implement the statutory changes made during the 86th session of the General Assembly. This amendment changes the agency notes to reflect the increases in inspection fees and filing fees.



DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED AMENDMENTS16) Information and questions regarding this adopted amendment shall be directed to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED AMENDMENTSTITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTIONPART 410  
RADIATION INSPECTORS AND INSPECTIONS

## Section

410.10 Policy and Scope

410.20 Radiation Inspectors Education/Experience and Instrumentation Requirements

410.30 Approval of Application and Application/Registration Fees

410.40 Radiation Installations and Classifications

410.50 Inspection Procedures

410.60 Choice of Type of Inspector, Inspection Fees and Inspection Schedule

410.70 Separate Installation

410.80 Change in Operator

ILLUSTRATION A NEW FACILITY FILING ANNIVERSARY DATE (CLASS C FACILITY USED AS AN EXAMPLE)

ILLUSTRATION B EXISTING FACILITY FILING ANNIVERSARY DATE (CLASS B FACILITY USED AS AN EXAMPLE)

AUTHORITY: Implementing and authorized by Sections 4 and 8.9 of the Radiation Protection Act (Ill. Rev. Stat. 1987 1989 ch. 111½, pars. 214 and 218.9).

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984, amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990.

Section 410.60 Choice of Type of Inspector, Inspection Fees and Inspection Schedule

- a) Operators of radiation installations shall assure that the installations, including all radiation machines located therein, are registered with the Department in accordance with the provisions of 32 Ill. Adm. Code 320 and are inspected and tested in accordance with the requirements of this Part.

- 1) Operators may elect to have their radiation machines and associated operating procedures inspected and tested by either a Departmental inspector or by a qualified nondepartment inspector whose name is included in the Department's record of persons approved as qualified inspectors of radiation machines.



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- 2) Fees for Department inspection and testing will be as prescribed in the Act.

AGENCY NOTE: The fee for a Department inspection and testing will be \$45 per radiation machine located in dental offices and clinics and used solely for dental diagnosis, in veterinary offices and used solely for diagnosis, or in offices and clinics of persons licensed under the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987 1989, ch. 111, par. 4801 et seq.), and used solely for diagnosis or therapy. The fee for inspection and testing in all other cases shall be \$65 per radiation machine before January 1, 1990, and \$80.00 per radiation machine on or after January 1, 1990. The Department will bill the operator for the appropriate fee after the machine has been inspected and tested. (See Section 8.9(a) of the Act.)

- 3) If the operator elects to have a qualified nondepartment inspector inspect and test the radiation equipment, the Department will assess a filing fee per radiation machine, as prescribed in Section 8.9(b) of the Act. The filing fee is payable, by the operator, to the Department upon submission of the qualified nondepartment inspector's radiation inspection report.

AGENCY NOTE: The filing fee for radiation machine inspection and testing results is \$5.00 per machine through December 31, 1989. Beginning January 1, 1990, the filing fee for inspection and testing results is \$25.00 per machine. (See Section 8.9(b) of the Act.)

- b) Operators of radiation installations shall assure that all radiation machines located in that installation are maintained and operated in accordance with standards established by the Department to protect the public health and safety as set forth in 32 Ill. Adm. Code 310, 320, 340, 350, 360, 380, 390, 400, and 401. Operators shall also assure that all persons who use a radiation machine to administer ionizing radiation to human beings are licensed in accordance with the requirements of 32 Ill. Adm. Code 360.10 or are accredited by the Department or exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.

- c) Inspection Report Filing Anniversary Date (See Illustrations A and B for Anniversary Date Explanations)

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- 1) Each operator of a radiation installation shall file an application for initial inspection and testing to be performed by either a Departmental inspector or a qualified nondepartment inspector no later than 30 days after the initial installation of a radiation machine(s). (See Section 8.9(c) of the Act) or 30 days after the effective date of this Part, whichever is later. The radiation machine(s) shall be inspected and tested in accordance with Section 410.50(a) and radiation inspection report(s) filed with the Department within 6 months of the date of initial installation or the effective date of this Part, whichever is later. The inspection and testing end date will establish the operator's filing anniversary date for filing subsequent radiation machine inspection reports. All future inspection and testing of the operator's radiation machine(s) must be performed and the radiation inspection report filed either on the filing anniversary date or within the 5 month period immediately preceding the operator's filing anniversary date.
- 2) For operators of radiation installations who have filed radiation inspection reports with the Department previous to the effective date of this Part, the filing anniversary date will be the end date of the last inspection and testing period as indicated on the most recent inspection report filed with the Department. All future inspection(s) and testing(s) of the operator's radiation machine(s) must be completed and the report filed either on the filing anniversary date or within the 5 month period immediately preceding the operator's filing anniversary date.
- 3) If any radiation machine(s) is installed, relocated (i.e., stationary equipment that has been moved) or reactivated within 7 months prior to the operator's inspection report filing anniversary date, and if the machine(s) is inspected during the 7 month period, the radiation machine(s) does not have to be reinspected within the 5 month period prescribed in subsection (c)(1). The radiation inspection report(s) shall be filed with the Department on or before the operator's inspection report filing anniversary date.
- 4) If any radiation machine(s) totally replaces the operator's radiation machine inventory, the operator's inspection report filing anniversary date will be changed to the end date of the inspection and testing of the radiation machine(s). In accordance with subsection (c)(1), inspection reports shall be filed within 6 months from the date of installation of the replacement machine(s).



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- d) An operator shall file an application for subsequent inspections to be performed by either a Departmental or qualified nondepartment inspector in accordance with the following schedule:
- 1) Operators of Class A installations shall file an application for inspection each 3 years.
  - 2) Operators of Class B installations shall file an application for inspection each 2 years.
  - 3) Operators of Class C installations shall file an application for inspection annually.
  - 4) Applications for inspections of existing radiation machines must be filed with the Department within 9 months of the operator's inspection report filing anniversary date.
  - e) Within 30 days of the installation of new, used, relocated or reactivated radiation machines, the operator shall file an application for an inspection by either a Departmental inspector or a qualified nondepartment inspector. Inspection and testing of the radiation machine(s) shall be performed in accordance with subsection (c) above and radiation inspection report(s) filed with the Department within 6 months of the date of installation/activation of the system(s). This rule Section applies to the relocation or reactivation of a radiation machine(s) that previously had been stored or rendered mechanically or electrically inoperable by the operator.

(Source: Amended at 14 Ill. Reg. 13638, effective August 13, 1990 )

## DEPARTMENT OF NUCLEAR SAFETY

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- 1) The Heading of the Part: REGISTRATION OF RADIOACTIVE MATERIALS, OR RADIATION MACHINE, AND RADIATION INSTALLATIONS
- 2) Code Citation: 32 Ill. Adm. Code 320
- 3) Section Numbers: 320.10  
320.20  
320.30  
320.40  
Adopted Action: Amendment  
Amendment  
Amendment
- 4) Statutory Authority: Implementing and authorized by "AN ACT to require the registration of radiation installations as herein defined, to investigate and inspect all radiation installations in this State, to provide injunctive relief and penalties for violations of this Act, and to make an appropriation therefor" (Ill. Rev. Stat. 1989, ch. 111½, par. 194 et seq.).
- 5) Effective Date of Amendments: August 13, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes, the amendment contains material incorporated by reference pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: August 3, 1990
- 9) Notices of Proposal Published in Illinois Register: November 17, 1989, 13 Ill. Reg. 17626
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
  - a) In the Authority note, the Public Act citations have been deleted.
  - b) The citations to the Illinois Revised Statutes have been changed from the 1987 edition to the 1989 edition in the Authority note and in Section 320.40.
  - c) In Section 320.40, on line 2, in the opening paragraph, the section and title of the act being referenced has been inserted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



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- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendment will implement the statutory changes made during the 86th session of the General Assembly. Operators of radiation installations will be required to register each radiation machine with the Department of Nuclear Safety and to pay a fee for such registrations. This amendment also establishes the schedule for registration of radiation machines and codifies the annual registration fee to be paid to the Department.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
785-9881

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY  
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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 320  
REGISTRATION OF RADIOACTIVE MATERIALS, OR RADIATION MACHINE,<sup>1</sup>  
AND RADIATION INSTALLATIONS

Section	
320.10	Registration
320.20	Amendments
320.30	Discontinued Use
320.40	Exemptions
320.50	Noncompliance

**AUTHORITY:** Implementing and authorized by "AN ACT to require the registration of radiation installations as herein defined, to authorize the Department of Public Health to investigate and inspect all radiation installations in this State, to provide injunctive relief and penalties for violations of this Act, and to make an appropriation therefor" (Ill. Rev. Stat. 1986 1989, ch. 111 $\frac{1}{2}$ , pars. 194 et seq.).

**SOURCE:** Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 10 Ill. Reg. 17529, effective September 25, 1986; amended at 14 Ill. Reg. 13644, effective August 13, 1990.

Section 320.10 Registration

a) Installation Registration

- 1) Any operator of a facility where radiation machines are used or where radioactive material is produced, transported, stored, used, or disposed of for any purpose, which is not subject to regulation by the U. S. Nuclear Regulatory Commission (NRC), shall register such radiation installation with the Department of Nuclear Safety (Department). The operator shall register the installation before the installation is placed in operation on a form prescribed by the Department which shall include:

- 1 A) the operator's name,
- 2 B) the location and confines of the radiation installation,



- 3 C) the type, strength, and number of sources of radiation expected to be produced, used, operated, stored, or disposed.
- b 2) When the number of sources exceeds 50, the Director will, upon request of the operator, permit blanket registration of the installation. This blanket registration shall be on a form prescribed by the Department and shall include:
- 1 A) the operator's name,
  - 2 B) the location and confines of the radiation installation,
  - 3 C) a description of each type and range of strengths of each type of source of radiation,
  - 4 D) the number of each type of source,
  - 5 E) the radionuclide in each type of source,
  - 6 F) the specific information requested on form IL 473-0013 regarding registration of x-ray machines.

**b) Machine Registration**

- 1) Every operator of a radiation installation where radiation machines are located shall register such machines with the Department.
- 2) Installation operators shall register radiation machines annually on a form prescribed by the Department. The registration form shall be filed before February 1 of each year. An annual registration fee of \$10.00 per radiation machine for each machine possessed on January 1 of each year shall be submitted with the registration form.

(Source: Amended at 14 Ill. Reg. 13644, effective August 13, 1990)  
Section 320.20 Amendments

- a) Registration Installation registration, as specified in Section 320.10(a), shall be required only at the time the radiation installation is placed in operation unless there is a change in the number or strength of sources or of the output of energy of radiation produced in or by the installation so registered. If there is any change(s), the operator shall register such change(s), other than

change due to natural radioactive decay, with the Department. Registration Amendments to installation registration shall be on a form prescribed by the Department and shall be submitted in accordance with the following schedule:

- 1) For any change(s) occurring between January 1 and June 30 of a given calendar year, the amended installation registration shall be filed with the Department between July 1 and July 31 of that calendar year.
- 2) For any change(s) occurring between July 1 and December 31 of a given calendar year, the amended installation registration shall be filed with the Department between January 1 and January 31 of the following calendar year.
- b) Operators of installations which have been registered pursuant to Section 320.10(b) may amend that registration by blanket amendment on the form prescribed by the Department.

(Source: Amended at 14 Ill. Reg. 13644, effective August 13, 1990)  
Section 320.30 Discontinued Use

If any operator discontinues using radiation machines or producing, transporting, storing, using, or disposing of radioactive material, the operator shall notify the Department within thirty (30) days after such discontinuance. The notification shall include the date of discontinuance and the disposition of such radiation machines or radioactive material.

(Source: Amended at 14 Ill. Reg. 13644, effective August 13, 1990)  
Section 320.40 Exemptions

An operator shall be exempt from these installation and machine registration requirements in accordance with Section 3 of "AN ACT to require the registration of radiation installations as herein defined, to investigate and inspect all radiation installations in this State, to provide injunctive relief and penalties for violations of this Act, and to make an appropriation therefor" (Ill. Rev. Stat. 1986 1989, ch. 111 1/2, par. 196 196) (the Act) for the following material, machines, and uses:

- a) Natural radioactive materials of an equivalent specific radioactivity not exceeding that of natural potassium, except when such materials are produced, stored, used, handled or disposed in such quantity or fashion that any person might receive within a week a radiation dose exceeding one-tenth the maximum permissible total weekly dose for any



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critical organ exposed, as determined by the standards established by the National Committee on Radiation Protection.\*

AGENCY NOTE: Copies of the standards established by the National Committee on Radiation Protection are available for public inspection at the Department. Copies of standards can also be obtained directly from the National Committee of Radiation Protection Publications, 7910 Woodmont Avenue, Suite 1016, Bethesda, MD 20814.

b) For radioactive materials not in sealed sources in quantities less than or equal to those identified in the following table:

Radio-active Material	Upper Limit Micro-curie	Radio-active Material	Upper Limit Micro-curie	Radio-active Material	Upper Limit Micro-curie
Pb <sup>210</sup>	1	V <sup>48</sup>	100	Tl <sup>200</sup>	100
Po <sup>210</sup>	1	Fe <sup>59</sup>	100	Tl <sup>204</sup>	100
At <sup>211</sup>	1	Zn <sup>65</sup>	100	Pb <sup>203</sup>	100
Ra <sup>226</sup>	1	Ga <sup>72</sup>	100	Th <sup>234</sup>	100
Ac <sup>227</sup>	1	As <sup>76</sup>	100	H <sup>3</sup>	1000
U <sup>233</sup>	1	Rb <sup>86</sup>	100	Be <sup>7</sup>	1000
Pu <sup>239</sup>	1	Sr <sup>89</sup>	100	C <sup>14</sup>	1000
Am <sup>241</sup>	1	Y <sup>91</sup>	100	Na <sup>24</sup>	1000
Cm <sup>242</sup>	1	Nb <sup>95</sup>	100	S <sup>35</sup>	1000
Sc <sup>46</sup>	10	Tc <sup>96</sup>	100	K <sup>42</sup>	1000
Co <sup>60</sup>	10	Rh <sup>105</sup>	100	Cr <sup>51</sup>	1000
Sr <sup>90</sup>	10	Cd <sup>109</sup>	100	Fe <sup>55</sup>	1000
Ag <sup>105</sup>	10	Ag <sup>111</sup>	100	Mn <sup>56</sup>	1000
Ru <sup>106</sup>	10	Sn <sup>113</sup>	100	Ni <sup>59</sup>	1000
Te <sup>129</sup>	10	Te <sup>127</sup>	100	Cu <sup>64</sup>	1000

Radio-active Material	Upper Limit Micro-curie	Radio-active Material	Upper Limit Micro-curie	Radio-active Material	Upper Limit Micro-curie
I <sup>131</sup>	10	Ba <sup>140</sup>	100	Ge <sup>71</sup>	1000
Cs <sup>137</sup>	10	La <sup>140</sup>	100	Mo <sup>99</sup>	1000
Ce <sup>144</sup>	10	Pr <sup>143</sup>	100	Pd <sup>103</sup>	1000
Eu <sup>154</sup>	10	Sm <sup>151</sup>	100	Pm <sup>147</sup>	1000
W <sup>181</sup>	10	Ho <sup>166</sup>	100	Ir <sup>190</sup>	1000
Re <sup>183</sup>	10	Ta <sup>170</sup>	100	Au <sup>196</sup>	1000
Ir <sup>192</sup>	10	Lu <sup>177</sup>	100	Tl <sup>201</sup>	1000
P <sup>32</sup>	100	Tm <sup>182</sup>	100	Tl <sup>202</sup>	1000
Ci <sup>136</sup>	100	Pt <sup>191</sup>	100	Natural U	1000
Ca <sup>45</sup>	100	Pt <sup>193</sup>	100	Natural Th	1000
Sc <sup>47</sup>	100	Au <sup>198</sup>	100		
Sc <sup>48</sup>	100	Au <sup>199</sup>	100		

c) Radioactive materials in sealed sources in total quantities not exceeding one millicurie for a given installation.

d) Timepieces, instruments, novelties, or devices containing self-luminous elements, except during the manufacture of the self-luminous elements and the production of said timepieces, instruments, novelties and except when the timepieces, instruments, novelties, or devices are stored, used, repaired, handled, or disposed in such quantity or fashion that any person might receive within a week a radiation dose exceeding one-tenth the maximum permissible total weekly dose for any critical organ exposed, as determined by the standards established by the National Committee on Radiation Protection.\*

AGENCY NOTE: Copies of the standards established by the National Committee on Radiation Protection are available for public inspection



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at the Department. Copies of standards can also be obtained directly from the National Committee of Radiation Protection Publications, 7910 Woodmont Avenue, Suite 1016, Bethesda, MD 20814.

- e) *Electrical equipment that is manufactured for purposes other than generation of radiation, where the generation of radiation is incidental to operation (such as a television), and that operates in such a manner that no person may receive within a week a radiation dose exceeding one-tenth the maximum permissible total weekly dose for any critical organ exposed. Determinations of doses shall be made in accordance with the standards established by the National Committee of Radiation Protection. The production testing or production servicing of all such electrical equipment shall not be exempt from registration.\**

AGENCY NOTE: Copies of the standards established by the National Committee on Radiation Protection are available for public inspection at the Department. Copies of standards can also be obtained directly from the National Committee of Radiation Protection Publications, 7910 Woodmont Avenue, Suite 1016, Bethesda, MD 20814.

- f) *Any radioactive material or radiation machine being transported on vessels, aircraft, railroad cars, or motor vehicles in conformity with regulations adopted by any agency having jurisdiction over safety during transportation.*

- g) *Radiation machines, radioactive materials, and radiation installations which the Department of Nuclear Safety finds to be without radiation hazard, as determined by the standards established by the National Committee on Radiation Protection.\**

AGENCY NOTE: Copies of the standards established by the National Committee on Radiation Protection are available for public inspection at the Department. Copies of standards can also be obtained directly from the National Committee of Radiation Protection Publications, 7910 Woodmont Avenue, Suite 1016, Bethesda, MD 20814.

(Source: Amended at 14 Ill. Reg. 13644 effective August 13, 1990 )

## DEPARTMENT OF PUBLIC AID

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- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers: Adopted Action:

112.70	Amendment
112.71	Amendment
112.72	Amendment
112.74	Amendment
112.76	Amendment
112.77	New Section
112.78	Amendment
112.79	Amendment
112.80	Amendment
112.82	Amendment
112.83	Renumbered, Amended
112.308	Amendment
112.315	Renumbered
112.350	New Section
112.352	New Section
112.354	New Section
112.356	New Section
112.358	New Section
112.362	New Section
112.364	New Section
112.366	New Section
112.400	New Section
112.404	New Section
112.406	New Section
112.408	New Section
112.410	New Section
112.412	New Section
112.414	New Section
112.416	New Section
112.418	New Section

- 4) Statutory Authority:

89 Ill. Adm. Code 112.70 thru 112.82

Sections 4-1.9, 4-1.10, 9-5, 9-6 and 9-6.02 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.9, 4-1.10, 9-5, 9-6 and 9-6.02)



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89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418  
Sections 9-6 and 12-13 of the Illinois Public Aid Code  
(Ill. Rev. Stat. 1989, Ch. 23, Pars. 9-6 and 12-13)

89 Ill. Adm. Code 112.315

Sections 4-1.9, 4-1.10, 9-2, 9-5 and 9-6 of the Illinois  
Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.9,  
4-1.10, 9-2, 9-5 and 9-6)

5) Effective Date of Adopted Amendments: August 10, 1990

6) Do these rulemaking contain an automatic repeal date?  
Yes      No X

7) Does this Adopted Amendments contain incorporations by  
reference? No

8) Date Filed in Agency's Principal Office: August 10, 1990

9) Notice of Proposal Published in Illinois Register: January  
19, 1990 (14 Ill. Reg. 1123)

10) Has JCAR issued a Statement of Objections to these Adopted  
Amendments?

89 Ill. Adm. Code 112.70 thru 112.82 - Yes

A) Statement of Objection: Aug 3, 1990 (14 Ill. Reg. 12591)

B) Agency Response: Aug 24, 1990 (14 Ill. Reg. 13867)

C) Date Agency Response Submitted for Approval to JCAR:

August 2, 1990

89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

Yes

A) Statement of Objection: Aug 10, 1990 (14 Ill. Reg. 12962)

B) Agency Response: Aug 24, 1990 (14 Ill. Reg. 13867)

C) Date Agency Response Submitted for Approval to JCAR:

August 2, 1990

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89 Ill. Adm. Code 112.315

No objection issued.

11) Differences between proposal and final version:

89 Ill. Adm. Code 112.70 thru 112.82

Based on comments received on the First Notice period, the  
following changes were made to this rulemaking:

1) to the introductory paragraph of Section 112.70,  
three sentences are added;

2) in Section 112.70(a), the phrase "To the extent that  
resources allow, "is deleted and at line three, after  
the word "Chance", the phrase "only to the extent  
there are resources available to serve individuals  
other than volunteers" is added;

3) in Section 112.70 (b), new subsections (b)(1) and  
(b)(2)(A) through (E) are added;

4) in Section 112.70(c)(2) after the word "months", the  
phrase "immediately preceding the most recent month  
for which application has been made" is added;

5) in Section 112.70(c)(3) at line three, a semi-colon is  
inserted after the word "year";

6) in Section 112.70(c)(4) at line three, the word "and"  
is deleted and the semi-colon is changed to a period;

7) Section 112.70 (c)(5) is deleted;

8) in Section 112.70(e), lines four through six are  
deleted and replaced with the phrase "if the parent is  
unable to participate due to his or her own mental or  
physical illness or that of his or her spouse or  
child, is homeless, or is experiencing family or  
personal crisis.";

9) the language in Sections 112.70(f)(1) and (2) is  
revised;

10) the language in Section 112.70(g)(1) and (2) is  
revised and a new subsection (g)(3) is added;



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- 11) Section 112.71(a)(2) is relabelled "Temporary and Chronic Illness or Injuries" and Section 112.71(a)(2)(A) is relabelled "Temporary Illness and Injuries";
- 12) a new Section 112.71(a)(3) is added and the other subsections are relabelled accordingly;
- 13) in relabelled Section 112.71(a)(6) after the first sentence, the following sentence is added "Only one person in a case may be exempt for this reason."; and the last sentence is deleted;
- 14) former Section 112.71(a)(6) is deleted;
- 15) Section 112.71(a)(7) is labelled "Employment"; in Section 112.71(a)(7)(A), the phrase "in unsubsidized employment" is deleted, as well as the last sentence;
- 16) in Section 112.71(a)(7)(B), the last sentence is deleted;
- 17) in Section 112.71(a)(9), beginning with the word "if" at line three, all the language in this subsection is deleted;
- 18) in Section 112.71(b) at line two after the word "writing", the phrase "with the assistance of the Project Chance worker or other Department staff, if needed," is inserted; and a new last sentence and subsections (b)(1) through (7) are added;
- 19) in Section 112.72(a)(1) at lines eleven and twelve, the phrase "Section 112.78" is changed to "Sections 112.78 and 112.79";
- 20) in Section 112.72(a)(4)(A), the phrase "the greater of" is inserted after the word "least"; in Section 112.72(a)(4)(A)(iii), the figure "\$4.25" is changed to "\$3.80"; and Section 112.72(a)(4)(iv) is totally rewritten;
- 21) in Section 112.72(a)(4)(B) at line two, after the word "basis", the phrase "wages for a beginner must equal" is inserted; the comma after the word "basis" is deleted; and at lines three and four, the phrase "must equal the wages" is deleted;

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- 22) a new Section 112.72(a)(4)(c) is added after Section 112.72(a)(4)(f);
- 23) a new Section 112.72(d) is added after Section 112.72(c);
- 24) in Section 112.74 (a)(1) at line one, the word "participants" is changed to "individuals";
- 25) in Section 112.74 (a)(2) at line four, after the word "history", the phrase ", employment goals, interests, aptitudes, and employment preferences" are inserted; at line seven after the word "limitations", the phrase "child care" is inserted; after the current second sentence, a new third sentence is added; in the new fourth sentence, the word "employment" is changed to "employability"; and in the first line of the last sentence, the word "initial" is inserted before the word "assessment";
- 26) a new Section 112.74(a)(4)(H) is added;
- 27) Section 112.74(b) is labelled "Occurrence of the Initial Assessment";
- 28) current Section 112.74(b)(2) is deleted;
- 29) current Section 112.74(c) is relabelled Section 112.74(b)(2) and its subsections are relabelled (b)(2)(A) through (b)(2)(F);
- 30) former Section 112.74(d) is relabelled Section 112.74(c); at line one, the word "plan" is inserted after the word "employability"; at line five after the word "history", the phrase "employment goals, interests, aptitudes and employment preferences" is inserted; at line eight, the words "child care" is inserted after the word "limitations"; at line twenty-three, the figure "9.0" is changed to "9.9"; at line twenty-four, the word "referred" is changed to "assigned"; and the last sentence is revised;
- 31) at line one of Section 112.74(c)(1), the word "not ready" is changed to "unable";
- 32) at line one of Section 112.74(c)(2) after the word "but", the phrase "not job ready and" is inserted;



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- 33) at line two of Section 112.74(c)(2)(C), the word "function" is changed to "read" and the figure "9.0" is changed to "9.9";
- 34) Section 112.74(c)(3) is revised;
- 35) Section 112.74 (d) is labelled "Reassessment" and new subsections (d)(1) through (d)(5) are added;
- 36) in Section 112.74(e) at line one, after the word "individual", the phrase "who is required to participate in the program" is inserted;
- 37) in Section 112.76(a) at line seven, the phrase "redetermine as appropriate" is changed to "the first face to face redetermination (after April 1, 1990)";
- 38) in Section 112.76(b) at line three, the phrase "via an invitation letter" is inserted after the word "writing" and the phrase "or at other appropriate times" is inserted after the word "program"; and a second sentence is added;
- 39) Section 112.76 (c) is rewritten and new subsections (c)(1) through (c)(5) are added;
- 40) a new Section 112.76(d)(1) is added that reads as follows: "the fact that they are non-exempt and are required to participate" and the other subsections are relabelled accordingly;
- 41) at line two of Section 112.76(e), the word "Search" is deleted;
- 42) in Section 112.76(e)(2) after "112.71", the phrase "and the procedure for obtaining exemption" is inserted;
- 43) in Section 112.76(e)(6) after the word "and", the phrase "reassessment including review of the" is added;
- 44) at line one of Section 112.76(f)(1) after the word "participant", the phrase "is required to participate due to insufficient number of volunteers and" is inserted; and a new sentence is added to the end of this subsection;
- 45) at line two of Section 112.76(f)(2) after the word

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- "participant", the phrase "who was required to participate due to insufficient number of volunteers" is inserted;
- 46) Section 112.77(a) is revised;
- 47) Section 112.77(b) is revised;
- 48) a new Section 112.77(d)(5) is added;
- 49) at line two after the word "conciliation", the phrase "and provide the client in writing with a conciliation agreement" is added;
- 50) at line two of Section 112.77(f) after the word "occur", the phrase "and any previous failure to participate in Project Chance without good cause will not count as a sanctionable event in the future" is added;
- 51) Section 112.78(a) is relabelled "Education (Below Secondary)";
- 52) at line eleven of the introductory paragraph of Section 112.78, after the parenthesis, the phrase "or alternative education at the secondary level" is added;
- 53) a new Section 112.78(a)(1)(A)(iv) is added;
- 54) a second sentence is added to Section 112.78(a)(1)(B);
- 55) at line four of Section 112.78(a)(2)(A), after the word "individual's", the phrase "or family's" is added;
- 56) Section 112.78(a)(2)(B) is revised;
- 57) Section 112.78(b) is relabelled "Job Skills Training (Vocational)";
- 58) in Section 112.78(b), a second and third sentence are added to the introductory paragraph;
- 59) after Section 112.78 (b)(1)(D) a new subsection (b)(1)(E) is added and the other subsections are relabelled accordingly;
- 60) at line four of Section 112.78(b)(2)(A) after the word "individual's", the phrase "or family's" is added;



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- 61) Section 112.78(b)(2)(B) is revised;
- 62) at line four of Section 112.78(c), the word "improved" is changed to "improve";
- 63) at line four of Section 112.78(c)(2)(A) after the word "individual's", the phrase "or family's" is added;
- 64) in Section 112.78(d)(2) a new subsection (a) is added and the other subsections are relabelled accordingly;
- 65) in Section 112.78(e) at line eleven, the word "field" is changed to "fields";
- 66) in Section 112.78(e)(1)(A)(ii) at line three, the word "and" is deleted;
- 67) in Section 112.78(e)(2)(A) at line nine, after the word "the", the phrase "higher of the State or Federal" is added; at line nine, the word "federal" is deleted and after the word "wage", the phrase "or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same time" is added; at lines twenty-two and twenty-three, the phrase "the nearest increment of eight (8) hours" is deleted and the phrase "forty (40) or eighty (80) hours" is inserted in lieu thereof;
- 68) in Section 112.78(e)(2)(D), second and third sentences are added to this subsection;
- 69) in Section 112.78(e), the subsection pertaining to "Reassessment" is restored; at line four of this subsection the word "Sections" is changed to "Section"; the subsection is relabelled 112.78(e)(3); and the other subsections are relabelled accordingly;
- 70) relabelled Section 112.78(e)(4) is revised;
- 71) in Section 112.78(e)(5)(B), the word "participants" is changed to "participant's"; and at line one of Section 112.78(e)(5)(B), line one of Section 112.78(e)(5)(B)(i), (iii) and (iv), after the word "participant's", the phrase "or other employees at the work site" is added;
- 72) in Section 112.78(e)(5)(D) and (E) at line three, after the word "participant", the phrase "or other

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- employees at the work site" is added; and at line one of Section 112.78(G), after the word "participants", the phrase "and other employees at the work site" is added;
- 73) in Section 112.78(f) a new subsection (f)(1)(C) is added and the two remaining subsections are transposed;
- 74) after Section 112.78 (f)(2)(B) a new subsection (f)(3) is added;
- 75) in Section 112.78(h) at lines ten and eleven, the phrase "in the chosen field" is changed to "for graduates";
- 76) after Section 112.78 (h)(1)(D) a new subsection (h)(1)(E) is added and the other subsections are relabelled accordingly;
- 77) Section 112.78(h)(2)(A) is revised;
- 78) in Section 112.78(i) at lines ten and eleven, the phrase "in the chosen field" is changed to "for graduates";
- 79) after Section 112.78 (i)(1)(D) a new subsection (i)(1)(E) is added and the other subsections are relabelled accordingly;
- 80) Section 112.78(i)(2)(A) is revised;
- 81) in Section 112.78(i)(2)(B) at line eight, the word "taining" is changed to "training";
- 82) after Section 112.78(i)(3) a new subsection (j) is added;
- 83) after Section 112.78 (j)(2) a new Section 112.78 (k) is added;
- 84) in Section 112.79(a) at line one, the word "shall" is changed to "may"; at line four after the word "Chance", the phrase "if conciliation is unsuccessful" is added; at line seven after the word "For", the phrase "non-exempt participants" is added; at line fifteen after the word "participate", the phrase "if conciliation is unsuccessful" is added; and three new sentences are added to the end of this subsection;



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- 85) in Section 112.79(b) at line one, after the word "Sanctioning", the phrase "of a non-exempt participant or a penalty against exempt participants" is added; at line three after the word "following", the phrase "unless conciliation is successful" is added; in Section 112.79(b)(1)(D), the word "or" is stricken; in Section 112.79(b)(1)(E) after the word "interview", the phrase "and comply with the assessment process" is added;
- 86) in Section 112.79(b)(1)(H) at lines four and eight, before the word "participant", the word "non-exempt" is deleted; at line nine after the word "the", the words "education/training" is deleted and the phrase "activities, employability status;" is stricken; at lines twelve and seventeen, before the word "participant", the word "non-exempt" is deleted; and at line nineteen after the word "the", the phrase "non-exempt" is deleted and the word "registrant" is stricken and replaced with the word "participant";
- 87) in Section 112.79(b)(1)(J) at line two, after the word "to" the phrase "make good faith effort to" is added; and at line five after the word "contacts", the phrase "every thirty (30) days" is added;
- 88) in Section 112.79(b)(1)(K) at line two, the comma and words "child care," are deleted;
- 89) in Section 112.79(b)(1)(L), the last sentence is revised;
- 90) in Section 112.79(b)(1)(M), the last sentence is revised;
- 91) after Section 112.79(b)(1)(M), a new subsection (b)(1)(N) is added;
- 92) in Section 112.79(c) at line four, after the word "a", the phrase "good cause determination/conciliation" is added; and after the first sentence in this subsection, a new second sentence is added;
- 93) in Section 112.79(d) at line one, after the word "sanction", the phrase "against non-exempt participants or penalty against exempt participant" is added; and at line five before the word "participant", the word "non-exempt" is deleted;

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- 94) in Section 112.79(f)(3) at line one, the phrase "in addition" is stricken; and at line two after the word "required", the phrase "for non-exempt participants" is added;
- 95) after Section 112.79(f)(3) a new subsection (f)(4) is added;
- 96) in Section 112.79(g) at line one, before the word "A", the phrase "At least fourteen (14) days prior to the end of the sanction period," is added; and at line one after the word "sanctioned", the word "non-exempt" is added; and at line two, the word "refusal/" is deleted;
- 97) in Section 112.79(i) at line two, after the word "the", the word "non-exempt" is added; at line three, the word "refuses/" is deleted; at line four, before the word "individual", the word "non-exempt" is added; at line five, before the word "parent", the word "unemployed" is added; and at line seven, the phrase "unless the" is rewritten to read "even if exempt, unless the second";
- 98) in Section 112.79(j) at line two, the words "or refuse" are stricken; and a new sentence is added to the end of this subsection;
- 99) in Section 112.80(a)(15) at line four, the phrase "whether or not such program" is deleted and the phrase "when an education/training program" is inserted in lieu thereof;
- 100) at Section 112.80(a)(19) an additional sentence and subsections (a)(19)(A) and (B) are added to this Section;
- 101) after Section 112.80(a)(21) new subsections (a)(22) through (a)(25) are added and the remaining subsections are relabelled accordingly;
- 102) in Section 112.80(b) at line two, in subsection (b)(1) at line one, in subsection (b)(2) at line three and in Section 112.80(c) at line one, before the word "participant", the word "non-exempt" is deleted;
- 103) in Section 112.80(c) a second sentence is added;
- 104) in Section 112.80(d)(1)(B) at line four, after the



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word "Chance", the phrase "including travel necessary to locate appropriate child care" is added;

- 105) in Section 112.80(d)(7)(A) a second sentence is added;
- 106) current Sections 112.80(f) and (g) are relabelled Sections 112.80(e) and (f);

- 107) in relabelled Section 112.80(f)(1) at line four, after the word "needed" the phrase "and the service is available in the community at no cost to the Department" is added;

- 108) in Section 112.82 (f)(1)(C) at line two, the word "and" is deleted; and

- 109) after relabelled Section 112.80(f)(1), a new subsection (f)(2) is added and the remaining subsection is relabelled accordingly.

Additionally, based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this rulemaking:

- 1) in Section 112.74 (a)(2), at line 9, the phrase "which may include" is changed to "including";
- 2) in Section 112.74(a)(2) and Section 112.74 (c), at line 27, the word "individuals" is changed to "individual's"; and at line one of Section 112.74 (c)(3), the word "are" is deleted and at line 3, the word "and" is deleted;
- 3) at line 2 of Section 112.74 (c)(4)(B)(iv), the spelling of the word "requirement" is corrected;
- 4) at line 2 of Section 112.74 (d)(3)(D), the word "a" is corrected to read "as";
- 5) at line 5 of Section 112.74 (d)(5), the word "will" is changed to "shall";
- 6) at line one of Section 112.77 (c), the word "will" is changed to "shall";
- 7) at line 4 of Section 112.78 (b)(1)(D), the word "from" inserted before the word "the"; at line 5, the address "401 S. State Street, 6th Floor, Chicago, Illinois

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60605" is inserted after the word "(DES)"; and at line 7, the language after the word "Horizons" is deleted and replaced with "available from the Illinois Occupational Information Coordinating Committee, 217 E. Monroe, Springfield, Illinois and/or the placement office at an educational institution".;

- 8) Section 112.78 (b)(1)(F) is rewritten to read: "The program is full-time or part-time if a full-time program is not available.;"
- 9) at line 5 of Section 112.78 (c)(3)(B), the phrase "and approved by the Department" is inserted after the word "provider";
- 10) at line 12 of Section 112.78 (e), the word "useful" is deleted;
- 11) at line 13 of Section 112.78 (e)(2)(A), after the word "site", the phrase "(as determined by the Work Experience Sponsor and the Department)" is inserted;
- 12) Section 112.78 (e)(2)(D) is rewritten to read: "Failure to meet the requirements of this subsection shall result in a reassessment process to determine the appropriateness of the assignment. If necessary, a new component activity may be assigned.;"
- 13) at line 2 of Section 112.78 (e)(5)(F), after the word "occurred", the phrase "(as described in subsection (e)(5)(A)(i) above)" is inserted; and at lines 2 and 10 of Section 112.78(e)(5)(C), (e)(5)(D) and (e)(5)(E), the words "will" and "may" are changed to "shall";
- 14) Section 112.78 (f)(2)(B) is rewritten to read: "Failure to participate in the requirements of this subsection shall result in a reassessment.;"
- 15) the first four lines after the title for Section 112.78 (h) are deleted and rewritten to read as follows:  
"Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act



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of 1985 (Ill. Rev. Stat. 1989, ch. 111, par. 1701-1 et seq.), the Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5801 et seq.), the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, par. 101-1 et seq.), AN ACT to provide for the organization and maintenance of the University of Illinois (Ill. Rev. Stat. 1989, ch. 144, par. 22 et seq.), AN ACT providing for the management, operation, control and maintenance of the Regency Universities System (Ill. Rev. Stat. 1989, ch. 144, par. 301 et seq.) and AN ACT to change the name of Southern Illinois Normal University (Ill. Rev. Stat. 1989, ch. 144, par. 600 et seq.);

- 16) Section 112.78 (h)(1)(F) is rewritten to read: "The program is full-time or part-time if a full-time program is not available.";
- 17) at line 5 of Section 112.78 (i), after the word "program", the phrase "under the provisions of subsections (i)(1)(A) thru (j) below" is inserted;
- 18) at line one of Section 112.78 (i)(2)(A), the word "individual" is changed to "participant";
- 19) at line 12 of Section 112.79, after the word "participate", the phrase "if conciliation is unsuccessful" is inserted;
- 20) at line one of Section 112.79 (b)(1)(G), after the word "readiness", the word "skills" is inserted;
- 21) at line 8 of Section 112.79 (b)(1)(L), the word "other" is deleted; and
- 22) at line 17 of Section 112.79 (c), the word "non-exempt" is inserted before the word "participant".

89 Ill. Adm. Code 112.83, 112.308, and 112.350 thru 112.418

Based on comments received, the following changes were made to the amendments:

- 1) in Section 112.83(a) at line two, before the word "program", the phrase "Project Chance" is added;
- 2) in Section 112.350(b) the subsection is rewritten to read as follows:

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"for each individual participating in activities as provided in Sections 112.74, 112.76, 112.78 and 112.82, including participation in ancillary support service activities such as substance abuse treatment and life skills training, if the Department has approved the activity (in accordance with Section 112.78) and has determined that the individual is satisfactorily participating (as defined at Section 112.78) in the activity.";

- 3) in Section 112.352(a), subsections (1) (2) and (3) are deleted and subsection (a) is rewritten as follows:  
"Child care will be provided for a dependent child of a person receiving AFDC to allow such individual to participate in education or training.";
- 4) in Section 112.352 (b), at lines 7 through 9, the phrase "may also be provided child care to allow the caretaker relative to accept employment or remain employed," is deleted;
- 5) in Section 112.354 (b)(1), the last sentence is deleted but the citation is retained; and in Section 112.354 (c), the last sentence is deleted but the citation is retained; and after Section 112.354(d)(2), a new subsection (e) is added that reads as follows:  
"The provisions of this Section are not applicable to families using the child care disregard (as provided at Section 112.366 pursuant to Section 112.143).";
- 6) in Section 112.358 (a)(2), the sentence is rewritten to read as follows:  
"Assistance under this Subpart will not be continued at the previous level pending a hearing.";
- 7) in Section 112.366 (c), the sentence is rewritten to read as follows:  
"using the child care disregard as provided in Section 112.143; or"; and
- 8) in Section 112.402 (b) at lines 7 through 9, the phrase "may be provided child care to allow the caretaker relative to accept employment or remain employed" is deleted.



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Additionally, based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this rulemaking:

- 1) at line 11 of Section 112.83(c)(2), a comma is inserted after the word "completed";
- 2) Section 112.83(M) and (N) are relabelled Section 112.83(m) and (n);
- 3) at line one of Section 112.83(n)(8), the word "participants" is corrected to read "participant's";
- 4) at line 3 of Section 112.354(a)(2), line 11 of Section 112.354(b)(1) and line 5 of Section 112.354(c), the number "1987" is changed to "1989";
- 5) Section 112.358(d) is deleted and former subsection (e) is relabelled (d);
- 6) Section 112.360 is deleted;
- 7) at line 3 of Section 112.364 and line 3 of Section 112.418, the number "365.5(g)" is changed to "365";
- 8) a new subsection (a) is added that reads as follows:  
"direct payment to the clients for child care costs";  
and the other subsections are renumbered accordingly;
- 9) at line 2 of Section 112.400, the phrase "Section 112.402" is changed to "subsections (d) and (e); and at line 3 of Section 112.400(b), the phrase "such as income verification, family size, provider information, and ages of children" is inserted after the word "fees";
- 10) the number and heading for Section 112.402 is deleted and subsections (a) and (b) are relabelled subsections (e) and (f); and at line 2 of Section 112.400(d), the word "Part" is changed to "Subpart";
- 11) at line 2 of Section 112.400(e), the word "Part" is changed to "Subpart"; and at lines 7 and 8 of Section 112.400(e), the phrase "subsection (a) and Section 112.400" is deleted and the phrase "the above mentioned subsections" is inserted in lieu thereof;

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- 12) at line 5 of Section 112.404, the letter "a)" is changed to "subsection (a)";

- 13) at line 2 of Section 112.406, line 2 of Section 112.408, and at line 2 of Section 112.412, the word "Part" is changed to "Subpart".

Finally, based on comments received from Tom McDermand of the Administrative Code Division of the Secretary of State's Office, in Section 112.408, the subsection (a) label is deleted and this Section is moved to the proper level.

89 Ill. Adm. Code 112.315

No changes were made to the text of this amendment.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.110	Amendment	June 15, 1990 (14 Ill. Reg. 9291)
112.130	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.131	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.141	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.143	Amendment	April 20, 1990 (14 Ill. Reg. 5695)



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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.145	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.147	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.150	Amendment	June 15, 1990 (14 Ill. Reg. 9790)
112.151	Amendment	June 15, 1990 (14 Ill. Reg. 9291)
112.330	Amendment	April 27, 1990 (14 Ill. Reg. 5923)
112.332	Repealed	April 27, 1990 (14 Ill. Reg. 5923)

15) Summary and Purpose of Adopted Amendments:

## 89 Ill. Adm. Code 112.70 thru 112.82

This rulemaking implements Title II of the Family Support Act of 1989 (Pub. Law 100-485) which creates the Job Opportunities and Basic Skills Training (JOBS) Programs for recipients of AFDC benefits. The JOBS program is designed to assist persons receiving AFDC benefits to become self-sufficient by providing needed employment-related activities and support services.

## 89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

This rulemaking implements Sections 301 and 302 of the Family Support Act of 1988 (Pub. Law 100-485) which guarantees child care for persons receiving AFDC benefits who are in approved educational and training activities and for those who are working. Additionally, this rulemaking guarantees child care for twelve months for certain individuals who have lost AFDC eligibility due to increased earnings, increased hours of work or due to the loss of the earned income disregard.

## 89 Ill. Adm. Code 112.315

This rulemaking amends and rennumbers Section 112.315 to Section 112.83. The participation program components,

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conciliation and fair hearing procedures, sanctions and good cause requirements for this Young Parents Program are the same as Project Chance.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Flr.  
Springfield, IL 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

## Section

112.1 Description of the Assistance Program  
112.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.40 Living Arrangement  
112.50 Social Security Numbers  
112.52 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent

## SUBPART C: PROJECT CHANCE

## Section

112.70 ~~Registration-Participation~~ Requirements For Project Chance  
112.71 Individuals Exempt From Project Chance  
112.72 Project Chance Participation/Cooperation Requirements  
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)  
112.74 Project Chance ~~Full-Initial~~ Assessment Process/Development of an Employment-Employability plan  
112.76 Project Chance Orientation  
112.77 ~~Initials-Work-Experience-Program-Evaluation-Project-(Renumbered)-Conciliation and Fair Hearings~~  
112.78 Project Chance Components  
112.79 Project Chance Sanctions

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## Section

112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements  
112.81 Responsible Relative Eligibility For Project Chance  
112.82 Project Chance Supportive Services  
112.83 Employment-Child-Care-Young Person Program  
112.84 Work Experience Evaluation Project  
112.85 Four Year College/Vocational Training Demonstration Project

## SUBPART E: PROJECT ADVANCE

## Section

112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
112.93 Individuals Exempt From Project Advance  
112.95 Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

## Section

112.98 Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100 Unearned Income  
112.101 Unearned Income of Stepparent, Parent or Legal Guardian  
112.101 Budgeting Unearned Income  
112.105 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.106 Initial Receipt of Unearned Income  
112.107 Termination of Unearned Income  
112.108 Exempt Unearned Income  
112.110 Education Benefits  
112.115 Incentive Allowances  
112.120 Unearned Income In-Kind  
112.125 Earmarked Income  
112.126 Lump Sum Payments  
112.127 Protected Income  
112.128 Earned Income  
112.130 Earned Income Tax Credit  
112.131



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Section	
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

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112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens

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Section	
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Six Month Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard

## SUBPART J: CHILD CARE

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112.350	Child Care
112.352	Child Care Eligibility
112.354	Qualified Provider
112.356	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care

## SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
112.406	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. §987, 1989, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory



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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 259, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory

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amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641,



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effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 1081, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006,

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effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART C: PROJECT CHANCE

Section 112.70 Registration Participation Requirements For Project Chance

Sections 112.70 through 112.82 112.83 describe work registration project chance employment, education, and training participation requirements for AFDC clients. The purpose of Project Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. Project Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and skills needed to meet the demands of the current labor market as well as in the future. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate.

at As-a-condition-of-eligibility-for-AFDC-cash assistance-all-applicants-and-recipients-age-16-through-64-except-exempt-individuals-must-be-registered-with-Project-Chance-45-CFR-224-1987-with-no-later-editions-or-amendments--The-purpose-of-Project-Chance-is-to-decrease-dependency-on-the-public-welfare-system-by-promoting-employment-opportunities-for-AFDC-recipients--Project-Chance-is-a-program-which-assists-mandatory-registered-in-a-systematic approach-to-job-search-and-includes-job-preparatory activities.



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Section 112.70 Registration Participation Requirements For Project Chance (Cont'd.)

- b) The Department shall register all nonexempt individuals (see Section 112.71) at the time of approval for assistance.
- c) All nonexempt applicants must be registered with Project Chance when assistance for these individuals is authorized.
- d) Nonexempt individuals who are otherwise eligible to be added to an already existing AFDC granty must be registered with Project Chance when assistance is authorized.
- a) All non-exempt individuals receiving AFDC are required to participate in Project Chance only to the extent there are resources available to serve individuals other than volunteers.
- b) Project Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.
- 1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section 112.74). Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt individuals who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they do not meet program requirements without good cause (see Section 112.79).
- 2) The priority that volunteers will be served is:

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Section 112.70 Registration Participation Requirements For Project Chance (Cont'd.)

- A) non-exempt volunteers from the target groups;
- B) exempt volunteers from the target groups;
- C) non-exempt volunteers other than the target groups;
- D) exempt volunteers other than the target groups; and
- E) non-volunteers.
- c) Project Chance resources will be targeted to the following groups:
- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty (60) months;
- 2) applicants for AFDC who have received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;
- 3) custodial parents under age twenty-four (24) who have not completed high school or have little or no work experience within the preceding year; or
- 4) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.
- d) A custodial parent under age twenty (20) who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.



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Section 112.70 Registration Participation Requirements For Project Chance (Cont'd.)

e) A custodial parent age sixteen (16) or seventeen (17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

f) A custodial parent who is age eighteen (18) or nineteen (19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or
- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

g) Individuals age twenty (20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual reads at the 9.9 grade level; or
- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

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Section 112.70 Registration Participation Requirements For Project Chance (Cont'd.)

h) A parent or other relative personally caring for a child under age six (6) will not be required to participate in Project Chance for more than twenty (20) hours per week except as specified in subsection (d) above.

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.71 Individuals Exempt From Project Chance

a) An individual shall be exempt from Project Chance ~~registration requirements~~ participation when that individual:

- 1) Is a child age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance. An individual If the child loses this exemption because he/she is no longer in school, the exemption is no longer applicable even if the child returns to school. ~~AA-- individual age 18 must be expected to complete the educational program before reaching age 19. College students do not qualify for this exemption;~~

2) Temporary and Chronic Illness or Injuries

A) Temporary Illness and Injuries

- i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to: the observation of a cast



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Section 112.71 Individuals Exempt From Project Chance  
(Cont'd)

on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

- ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in Project Chance. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

- 3) Is under age sixteen (16), or is age sixty (60) years or older;

- 3+4) Resides in an area remote from the Project Chance office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably

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Section 112.71 Individuals Exempt From Project Chance  
(Cont'd.)

available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;

- 4+5) Has another household member for whom that individual must provide full-time care;

- 5+6) Is the parent or other caretaker relative of a child under age 6 three (3) in the home (other than a minor parent under age twenty (20) without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason. This person must be personally caring for the child with only very brief and occasional absences. Only one person is entitled to this exemption. A caretaker relative who is absent to attend college on a full-time basis is not exempt under this provision. Full-time means twelve (12) college credit hours during day-time hours. A college is a school authorized by the State of Illinois Board of Higher Education to grant Associate and/or Bachelor degrees.

- 6) For AFDC-R, is a parent or caretaker of a child if another adult in the home is registered with Project Chance;

- 7) For AFDC-U, is the parent of a child whose other parent is the principal wage earner unless the principal wage earner is exempt;

Employment

- 8) A) Is employed 30 hours or more per week; is unsubsidized employment; unsubsidized employment means any employment not funded in whole or in part by the Federal, State or local government (e.g., Job Training Partnership Act (JTPA), Project Chance, etc.) and such employment is expected to last a minimum of thirty (30) days.



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## Section 112.71 Individuals Exempt From Project Chance (Cont'd.)

- B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) work days. Regular Federal-State or local government employees are not subsidized.

- 98) Is in the sixth 4th month of pregnancy or later; or

- 109) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.). If the individual was receiving financial assistance or food stamps at the time he/she joined VISTA, persons enrolled full-time under Title II of the 1973 Domestic Volunteer Services Act as senior health aides, foster grandparents, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE) (15 USC 633 et seq.) and Active Corps of Executives (ACE) (15 USC 637 et seq.) are also exempt.

- b) Individuals who request an exemption from participation in Project Chance shall do so in writing with the assistance of the Project Chance worker or other Department staff, if needed, and shall receive a written notice of decision on such request within forty-five (45) days. Requests for an exemption may be made at:

- 1) application for assistance;
- 2) orientation;
- 3) assessment;
- 4) reassessment;
- 5) AFDC eligibility redeterminations;
- 6) client's request; or
- 7) whenever information received by the Department indicates the possibility of an exemption.

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## Section 112.71 Individuals Exempt From Project Chance (Cont'd.)

- c) Exempt individuals may volunteer for Project Chance. (Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.72 Project Chance Participation/Cooperation Requirements

- a) After Project Chance registration is completed (see Section 112.70), a mandatory registrant is an individual is required to participate in Project Chance by:

- 1) Cooperating with Project Chance. Cooperation with Project Chance is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, making the required twenty (20) acceptable employer contacts every thirty (30) calendar days during the intensive job search component, participating in assessment and literacy tests, and complying with the requirements of Project Chance components identified in Section 112.78 and 112.79. An acceptable employer contact consists of any of the following: the completion and return of an application to an employer; a face-to-face interview with an employer; the completion of civil service test required for employment with State or Federal government; or the completion of a Job Service screening test, the covering letter to a recognized employer; and for Union members in good standing, reporting to the Union Hall. (Regardless of the number of days per week a mandatory registrant reports to the Union Hall, such contact only counts as one acceptable contact per week.) Acceptable contacts are documented by written statements provided to the Project Chance worker by the mandatory registrant during intensive job search (see Section 112.78), ten of the twenty required



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## Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd.)

contacts must be the completion and return of an application or a face-to-face interview;

- 2) Responding to a job referral of suitable employment (i.e., a written statement referring a mandatory-~~registrant~~ participant to an employer for a specific position);
- 3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

- A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information information obtained from the Department of Employment Security; and
- B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
- C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.

- 4) Suitable employment must meet the following criteria:

- A) Wages offered must be at least the greater of:

- i) the Federal minimum wage;
- ii) the State minimum wage; or
- iii) \$3.35 \$3.80/hour (if neither the Federal nor State minimum wage is applicable); or

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## Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd.)

- iv) the greater of the State or Federal "subminimum training wage" when this minimum wage is applicable based on age.

- B) If the wages are offered on a piece-rate basis, wages for a beginner must equal the amount the mandatory-participant can reasonably be expected to earn must-equal the wages as outlined in Section 112.72(a)(4)(A).
- C) The mandatory-~~registrant~~ participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- D) There is no unreasonable degree of risk to the mandatory-~~registrant's~~ participant's health and safety.
- E) The mandatory-~~registrant~~ participant is physically and mentally competent to perform the work.
- F) The employment must be within reasonable distance of the mandatory-~~registrant's~~ participant's residence. Commuting time must not represent more than 25% of the mandatory-~~registrant's~~ participant's total time on the job, e.g., no more than two (2) hours commuting time for an eight (8) hour work day.
- G) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance.



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## Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd.)

Necessary and reasonable expenses include: all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 thru 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.

5) Registering-and-appearing Participants must register and appear for any subsequent interviews at the Department of Employment Security's Job Service offices when required by a Project Chance component activity.

b) Additionally, after registration is completed, those Project-Chance-mandatory-registered participants who are part-time employed as defined in Section 112.64(d)(1), must:

1) continue their part-time employment as defined in Section 112.64(d)(1); and

2) not reduce their employment (i.e., voluntarily reducing work hours).

c) Failure of a non-exempt individual to participate/cooperate with the Project Chance requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79.

d) Failing to achieve certain grades or competency levels or goals in educational, training, or work activity shall not constitute failure to participate in Project Chance, but shall be addressed through a reassessment, requested by the participant or Project Chance.

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

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## NOTICE OF ADOPTED AMENDMENTS

Section 112.74 Project Chance ~~Full~~ Initial Assessment Process/Development of an Employment ~~Employability~~ Plan

a) Full Initial Assessment to Develop Employment ~~an Employability~~ Plan

1) All mandatory-registered individuals shall undergo ~~a Full~~ an initial assessment to develop an employment ~~employability~~ plan.

2) The ~~Full~~ initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or Project Chance staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, mandatory-registered individuals and Project Chance staff shall work together to identify any supportive service needs required to enable mandatory-registered them to participate in Project Chance and meet the objectives of their employment ~~employability~~ plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency.

3) The employment ~~employability~~ plan shall must ~~contain at least the following~~:

A) the employment-related objective, contain an employment goal of the participant;



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## Section 112.74

Project Chance Full Initial Assessment  
Process/Development of an Employment  
Employability Plan (Cont'd.)

- B) the Project-Chance-component-placement,  
describe the services to be provided by the  
agency, including child care and other  
supportive services;
- C) the supportive-services-that-must-be  
provided-or-arranged,-and describe the  
activities such as component assignment that  
will be undertaken by the participant to  
achieve the employment goal; and
- D) a statement-that-the-supportive-services  
have-been-provided-by-the-Department-or  
otherwise-arranged,-including-an-explanation  
of-specified-arrangements-and-services  
provided- describe any other needs of the  
family that might be met by Project Chance  
such as participation by a child in drug  
education or in life skills planning  
sessions.
- 4) The employability plan shall take into account:
- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) Local employment opportunities;
- E) to the maximum extent possible, the  
preferences of the participant;
- F) the employability plan shall not be  
considered a contract; and
- G) final approval of the plan rests with the  
Project Chance program.
- H) The participant shall be offered a copy of  
the employability plan.

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## Section 112.74

Project Chance Full Initial Assessment  
Process/Development of an Employment  
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- b) Occurrence of the Initial Assessment
- 1) The full initial assessment shall take place at  
least-at-the-following-times before a participant  
is assigned to any Project Chance component. All  
participants will be scheduled to begin the  
initial assessment within fourteen (14) working  
days after orientation.
- 1) at-the-end-of-the-initial-sixty-(60)-day  
intensive-Job-Search-period-if-the-mandatory  
registrant-has-not-obtained-employment-(see  
Section-112.78);
- 2) during-the-Intensive-Job-Search-period-if-the  
mandatory-registrant-has-supportive-service-needs  
or-is-not-adequately-participating-in-intensive  
Job-Search-tire-by-not-attending-group-meetings  
or-making-the-required-number-of-job-contacts);-or  
prior-to-deferring-participation-in-the-intensive  
Job-Search-component-for-mandatory-registrants  
who-wish-to-obtain-a-GED-or-high-school-diploma  
or-who-are-involved-in-an-education-or-training  
program-at-the-time-they-begin-participating-in  
Project-Chance---in-these-cases-the-decision-to  
defer-would-be-based-upon-the-results-of-a-full  
assessment;
- 4) at-any-time-to-determine-their-suitability-for  
Special-Projects-(see-Section-112.78);
- 5) mandatory-registrants-currently-in-Project-Chance  
who-have-not-received-a-full-assessment-will  
receive-a-full-assessment-prior-to-assignment-to  
another-component--in-addition-for-these  
individuals-a full-assessment-will-be-attempted  
if-the-individual-is-not-cooperating-with-the  
requirements-of-the-program-(see-Sections-112.72  
and-112.78);
- 6) upon-completion-of-a-component-activity,  
mandatory-registrants-will-be-reassessed



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Project Chance Full Initial Assessment  
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including a review of the employment plan and making appropriate adjustments;

- e) 2) The mandatory registrant participant will be notified in writing of the full initial assessment meeting. The notice shall include the following information:
- 1) A) the date and time of the interview;
  - 2) B) a description of the purpose of the interview;
  - 3) C) the consequences of failing to attend;
  - 4) D) the right to re-schedule for good cause;
  - 5) E) the right to request child care and transportation to attend; and
  - 6) F) the name of the person to contact for such purposes.

a) During the full assessment meeting the Protect-Chance worker and the mandatory registrant will assess the employability of the mandatory registrant and develop an employment plan based on the mandatory registrant's education, training, employment history and interests. Supportive services, needs, and temporary barriers (e.g., family problems) to Protect-Chance participation will be identified. Based on the full assessment and the eligibility criteria for each Protect-Chance component, mandatory registrants will be assigned to a component and receive component specific participation requirements (see Section 112.78).

1) If the mandatory registrant fails to appear for an assessment interview or to comply with the assessment process without good cause (see Section 112.80), financial assistance shall be discontinued for the entire assistance unit unless the mandatory registrant is a 16 or 17 year old child in an assistance unit with other

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child in a which case only the 16 or 17 year old child is ineligible for financial assistance.

- 2) If the mandatory registrant has good cause for failing to appear for an assessment interview or to comply with the assessment process (see Section 112.80), financial assistance shall be reinstated if cancelled and the mandatory registrant shall be reimbursed for any financial assistance lost.
- 3) Assistance which has been discontinued because of failure to participate ceases to operate in the assessment process shall be reinstated if the mandatory registrant agrees to undergo a full assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of the agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective.

4) The Department shall attempt to schedule the assessment interview on the same day or as soon thereafter as possible. When the interview can be scheduled within five (5) work days of the individual's agreement to attend the interview, the reinstatement shall be processed upon the completion of the interview. When the interview cannot be scheduled within five (5) work days, the reinstatement shall be processed upon the individual's agreement to attend the meeting.

5) Continued receipt of medical assistance and food stamps is not affected by failure to appear for the assessment interview.

6) No mandatory registrant shall be sanctioned (see Section 112.79) for noncompliance with a Protect-Chance prior to completion of the full assessment process (see Section 112.74). Also, no mandatory registrant shall be sanctioned for noncompliance with Protect-Chance when the alleged noncompliance is based in whole or in part on



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~~any act or omission of the mandatory registrant which occurs prior to the completion of the full assessment process.~~

- c) During the initial assessment, the employability plan and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems which may include the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency. The basic literacy level is 9.9 grade level. Based on the initial assessment, the individual will be assigned to the appropriate component activity. The decision will be based on a determination of the individual's level of preparation for employment. The four (4) levels are as follows:

- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but not job ready and in need of educational services will be

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referred to an educational component.  
Individuals ready to participate but in need of educational services will include but are not limited to:

- A) individuals with limited English proficiency;
- B) individuals under age twenty (20) who do not have a high school diploma; and
- C) individuals age twenty (20) and over who do not read at a 9.9 grade level.

3) Individual(s) ready to participate, but lacking the necessary education or training for employment, near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.

4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:

- A) A job ready individual must have:
  - i) transportation (ability to get to the work site);
  - ii) clothes (suitable and appropriate for the type of work);
  - iii) child care;
  - iv) tools (if required and not supplied by the employer);
  - v) certificates, licenses, and/or degree (if required);
  - vi) a medical release (where needed, such as workers recently on disability);



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- vii) mental and emotional capability of  
employability;
- viii) freedom from any dependency on drugs or  
alcohol; and
- ix) motivation to find and hold a job.
- B) Plus one or more of the following:
  - i) marketable skills through work history  
(i.e., current or within the past  
twenty-four (24) months and a work  
history in the area of interest or area  
to which the referral is requested);
  - ii) marketable skills through education  
and/or training (i.e., current or  
within the past twenty-four (24)  
months, in the area of occupation being  
sought, and is able to meet the entry  
level requirements of the occupation);
  - iii) if requesting the referral to a  
specific job order the individual must  
meet all requirements listed on the  
order; or
  - iv) new entrants into the job market and  
persons meeting entry level requirement  
of specific job.

d) Reassessment

- 1) A reassessment will be conducted to assess a  
participant's progress and to review the  
employability plan at least at the following  
times:
  - A) upon completion of a component activity and  
before assignment to a component activity;
  - B) upon the request of the participant; and

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- C) if the individual is not cooperating with  
the requirements of the program.
- D) If the individual has failed to make  
satisfactory progress in an education or  
training program.
- 2) The reassessment may be conducted through various  
methods such as interviews, testing, counseling,  
and self-assessment instruments. A written  
notice may be sent to the participant if the  
reassessment needs to be rescheduled.
- 3) The employability plan must:
  - A) contain an employment goal of the  
participant;
  - B) describe the services to be provided by the  
agency, including child care and other  
supportive service;
  - C) describe the activities such as component  
assignment that will be undertaken by the  
participant to achieve the employment goal;  
and
  - D) describe any other needs of the family that  
might be met by Project Chance such as  
participation by a child in drug education  
or in life skills planning sessions.
- 4) The employability plan shall take into account:
  - A) available program resources;
  - B) the participant's supportive service needs;
  - C) the participant's skills level and aptitudes;
  - D) local employment opportunities;
  - E) to the maximum extent possible, the  
preferences of the participant.



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Section 112.74 Project Chance Full Initial Assessment Process/development of an Employment Employability Plan (Cont'd.)

5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.

e) The mandatory registrant shall be notified in writing of the discontinuance of financial assistance due to failure to comply with this Section or Section 112.76(e). The notice shall state with specificity the action being taken and the reasons for the action of such acts. The notice shall also state the right to be restored to assistance without loss of benefits upon the conditions stated in this Section and Section 112.76(e).

e) If a non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.

f) If the non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.

g) Project Chance participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (e.g., child care provided by the Department of Children and Family Services).

g) Expenses for transportation and child care services will be provided to enable mandatory registrants individuals to attend the assessment meeting, if requested.

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

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Section 112.76 Project Chance Orientation

a) A non-exempt individual must participate in Project Chance as a requirement of eligibility for AFDC cash assistance. After Project Chance registration is completed (see Section 112.70), the mandatory registrant shall attend a Project Chance orientation meeting. At the time of application and at the time of the first face to face redetermination (after April 1, 1990), all AFDC applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the Project Chance program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:

- 1) education, employment and training opportunities available;
- 2) supportive services including child care;
- 3) the obligation of the agency to provide supportive services;
- 4) the rights and responsibilities of participants; and
- 5) the types and locations of child care services.

b) Within one month of the determination of eligibility for AFDC, the Project Chance program will notify the individual in writing via an invitation letter how he or she can enter the program or at other appropriate times. The client may then volunteer for the Project Chance program but will in no event be sanctioned for failure to volunteer.

c) Exempt and non-exempt volunteers will be sent an appointment letter inviting them to the orientation concerning Project Chance. The letter shall include the following:

- 1) the date and time of the meeting;
- 2) a description of the program and the purpose of the meeting;



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## Section 112.76 Project Chance Orientation (Cont'd.)

- 3) information on how to reschedule the meeting if necessary;
- 4) the right to request child care or transportation services to attend; and
- 5) the name of the person to contact for such purposes.

b) d) Within thirty (30) days from the date a client's application for APBC is approved or an exempt client volunteers for Project Chance or Project Chance will send the client a letter requesting that he attend a Project Chance Orientation meeting. In addition, other Project Chance clients may be required to participate in an Orientation meeting prior to being assigned to one of the Project Chance components if it is determined that the client can benefit from Orientation for a client that has never had a Project Chance Orientation or a client who was previously in Modified Job Search. Non-exempt individuals may be required to enter the Project Chance program and attend the orientation. Project Chance will send these non-exempt individuals an appointment letter requiring that they attend a Project Chance Orientation meeting. The letter shall include the following information:

- 1) the fact of the person's registration that they are non-exempt and are required to participate;
- 2) the right to request an exemption;
- 3) a complete description of all available exemptions;
- 4) the date and time of the meeting;
- 5) a description of the program and the purpose of the meeting;
- 6) the consequences of failing to attend;
- 7) the right to reschedule the appointment with good cause;

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- 8) the right to request child care or transportation services to attend; and
- 9) the name of the person to contact for such purposes.

e) The At the Orientation meeting begins the intensive Job Search component (see Section 112.78) only for these mandatory registrants at that time assigned to intensive Job Search and consists of Project Chance staff informing the mandatory registrant participant of all Project Chance participation requirements, distributing a copy of the Project Chance booklet to handbook to participants mandatory registrants, and explaining explain its contents. The Project Chance booklet handbook contains program information including the following:

- 1) an overview of Project Chance;
- 2) the exemption criteria listed in Section 112.71 and the procedure for obtaining an exemption;
- 3) a description of all Project Chance components, eligibility criteria, and specific participation requirements for each component;
- 4) general participation requirements i.e., appearing for scheduled meetings with Project Chance staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);
- 5) the mandatory registrant's responsibilities while in the intensive Job Search component (i.e., making twenty (20) acceptable employer contacts every thirty (30) days) the support services identified in Section 112.82;
- 6) the intensive Job Search allowance and the other Support Services identified in Section 112.82;
- 7) information on what constitutes an acceptable employer contact (i.e., the completion and return of the application to an employer, a face-to-face interview with an employer, the completion of



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## Section 112.76 Project Chance Orientation (Cont'd.)

civil-service-test-required-for-employment-with State-of-Federal-government; the completion-of-a-Job-Service-Screening-test-the completion-and-mailing-of-a-resume-with-a covering-letter-to-a-recognized-employer; and for-union-members-in-good-standing-reporting-to the-Union-Hall--(Regardless-of-the-number-of days-per-week-a-mandatory-registrant-reports-to the-Union-Hall; such-contact-only-counts-as-one acceptable-employer-contact-per-week.)

8) 6) the full initial assessment process and reassessment including review of the employment employability plan (see Section 112.74);

9) 7) the result of the mandatory registrants' Participant's failure to cooperate without good cause with Project Chance;

d) In-addition; job-seeking-skills-exercises-are conducted-and-mandatory-registrants-are-given-a pre-printed-form-with-standard-participation requirements-for-the-component-to-which-they-are assigned.

ef) Mandatory-registrants-Participants must attend all Orientation meetings or notify their Project Chance worker of good cause to be excused and have their meeting rescheduled (see Section 112.80).

1) If a mandatory-registrant-non-exempt participant is required to participate due to insufficient number of volunteers and fails to attend an Orientation meeting on two separate occasions without good cause (see Section 112.80), financial-assistance-shall-be-discontinued-for the-entire-assistance-unit-unless-the-mandatory registrant-is-a-16-or-17-year-old-child-in-an assistance-unit-with-other-children-in-which-case only-the-16-or-17-year-old-child-is-ineligible for-financial-assistance sanction rules shall apply. Exempt and non-exempt volunteers will not be sanctioned for failure to attend orientation.

2) If the mandatory-registrant-non-exempt

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## Section 112.76 Project Chance Orientation (Cont'd.)

participant who was required to participate due to insufficient number of volunteers fails to attend an Orientation meeting on two separate occasions but has good cause on at least one occasion (see Section 112.80), financial assistance-shall-be-reinstated-(if-earned)-and the-mandatory-registrant-shall-be-reimbursed-for any-financial-assistance-test sanction rules shall not apply.

3) Assistance-shall-be-reinstated-effective-the-date of-the-discontinuation-if-the-mandatory-registrant agrees-to-and-subsequently-attends-an-Orientation meeting-provided-the-date-of-agreement-falls-on or-before-the-last-day-of-the-fiscal-month-for which-the-discontinuation-would-be-effective.

4) The-Department-shall-attempt-to-schedule-the Orientation-meeting-on-the-day-that-the-mandatory registrant-agrees-to-attend-such-Orientation-or as-soon-thereafter-as-possible--When-the-meeting can-be-scheduled-within-five-(5)-work-days-of-the individual's-agreement-to-attend-a-meeting-the reinstatement-shall-be-processed-upon-the completion-of-the-meeting--When-the-meeting cannot-be-scheduled-within-five-(5)-work-days reinstatement-shall-be-processed-upon-the individual's-agreement-to-attend-the-meeting.

5) Continued-receipt-of-medical-assistance-and-fee stamps-is-not-affected-by-failure-to-appear-for the-Orientation-meeting.

fg) Expenses for transportation and child care services will be provided to enable mandatory-registrants-Participants to attend the Orientation Assessment meeting, if requested.

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.77

Illinois-Work-Experience-Program-Evaluation Project-(Renumbered) Conciliation and Fair Hearings



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## Section 112.77

Illinois-Work-Experience-Program-Evaluation Project-(Renumbered) Conciliation and Fair Hearings (Cont'd.)

- a) The Department shall establish a conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, employability plans, assignment to components, suitability of employment, or refusals of offers of employment.

- b) A participant or Project Chance may request conciliation and receive notice in writing of a meeting. Conciliation must begin within fourteen (14) work days upon request or from the participant's failure to meet Project Chance requirements. At least one face-to-face meeting may be scheduled with Project Chance and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will include the participant, Project Chance worker, a neutral person and a representative for the participant, if desired, if the participant and Project Chance worker cannot resolve the issue. The meeting will address the underlying reason(s) for the dispute and plan a resolution to enable the individual to participate in Project Chance.

- c) The conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the conciliation process and will last no more than thirty (30) days.

- d) During the conciliation process, the following is completed:

- 1) a discussion of the nature of the problem or dispute and potential resolution;
- 2) an explanation of the individual's rights and responsibilities;
- 3) a review of the employability plan;

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Illinois-Work-Experience-Program-Evaluation Project-(Renumbered) Conciliation and Fair Hearings (Cont'd.)

- 4) a discussion of expectations of the participant and Project Chance; and
- 5) development of a conciliation agreement and fulfillment of it following the conciliation meeting. The requirement(s) of the agreement cannot be contrary to Project Chance participation requirements.

- e) Project Chance will document in the case record the proceedings of the conciliation and provide the client in writing with a conciliation agreement.

- f) If conciliation resolves the dispute, no sanction will occur and any previous failure to participate in Project Chance without good cause will not count as a sanctionable event in the future. If the dispute cannot be resolved during conciliation, a sanction will not occur until the conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.

(Source: Section 112.77 renumbered to Section 112.84 at 11 Ill. Reg. 4682, effective March 6, 1987; new Section adopted at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.78 Project Chance Components

- a) Education (Below Post Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.



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## Section 112.78 Project Chance Components (Cont'd.)

1) Assignment to Education

A) Individuals to be assigned to Education may include but are not limited to the following:

- i) parents under age twenty (20) who do not have a high school degree or equivalent;
  - ii) individuals with limited English proficiency;
  - iii) individuals age twenty (20) and over who do not read at a 9.9 grade level; and
  - iv) individuals age twenty (20) and over who do not have a high school degree or its equivalent and wish to obtain one.
- B) Parents ages sixteen (16) and seventeen (17) may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.

C) Parents age eighteen (18) and nineteen (19) may be assigned to training or work activities instead of educational activities if:

- i) the parent fails to make good progress in successfully completing education activities, or
- ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the Project Chance program; or

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## Section 112.78 Project Chance Components (Cont'd.)

iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.

D) Educational activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain attendance of at least 75% of scheduled activities unless there is good cause for missing more.

b) Job Skills Training (Vocational)

Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

1) Assignment to Job Skills Training (Vocational)

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.



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## Section 112.78 Project Chance Components (Cont'd.)

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), from the Department of Employment Security (DES) 401 S. State Street, 6th Floor, Chicago, Illinois 60605 and/or other documented and reliable sources (e.g., Horizons available from the Illinois Occupational Information Coordinating Committee, 217 E. Monroe, Springfield, Illinois and/or the Placement Office at an educational institution). Jobs must be available in the chosen field upon program completion.

E) The program is needed for the participant to complete his or her employability plan.

F) The program is full-time or part-time if a full-time program is not available.

G) Job skills training may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain attendance of at least 75% unless there is good cause for missing more.

c) Job Readiness

1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help

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## Section 112.78 Project Chance Components (Cont'd.)

them find and retain employment that will lead to economic independence.

2) Assignment to Job Readiness

A) Individuals who are near job ready are assigned to this component to help them perfect techniques needed to obtain employment and to improve interview skills.

B) Job readiness activities may be combined with other component activities if it is determined appropriate.

3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to five (5) acceptable employer contacts in a thirty (30) day period.

ad) Intensive-Job Search

1) All mandatory registrants must participate in the intensive job search (IDS) component of Project Chance unless they are approved to participate in another Project Chance component based on the eligibility criteria of that component. During the IDS component, the mandatory registrant must actively contact employers in his efforts to secure employment and is provided by Project Chance with job seeking skills exercises. Mandatory registrants must make twenty (20) acceptable employer contacts every thirty (30) days and must attend all scheduled meetings



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## Section 112.78 Project Chance Components (Cont'd.)

including pre-arranged job-skills workshops conducted by other than Project Chance staff. The mandatory registrant will be notified in writing of all scheduled meetings. The content of the meetings includes a discussion of the mandatory registrant's progress in completing the participation requirements, and job-seeking skills exercises. The failure of a mandatory registrant to appear for scheduled meetings or contact the required number of employers without good cause will constitute noncooperation.

1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.

2) These mandatory registrants who have not found a job but have demonstrated employability will continue in IDS. Employability is demonstrated by the mandatory registrant's education, training, employment history and experience in the IDS component.

2) Assignment to Job Search

A) Participation in the Job Search component can not be in excess of eight (8) weeks (or its equivalent) in any period of twelve (12) consecutive months.

B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

C) Job Search may be combined with other component activities if it is determined appropriate.

3) Participation Requirements

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## Section 112.78 Project Chance Components (Cont'd.)

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to twenty (20) acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

i) the participant appears for a scheduled interview and the employer misses the appointment;

ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;

iii) the participant fails a civil service or other employment screening test;

iv) the participant completes an application which is not accepted by the employer; and

v) the participant's job search performance indicates that he/she should be in a different Project Chance component activity.

b) Modified Job Search

Mandatory registrants who appear to have limited potential for employment will be placed in Modified Job Search (MJS). The Modified Job Search component is for mandatory registrants who continue to remain nonemployed but for whom structured job search or training is inappropriate because they have particular



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barriers-to-obtaining-and-retaining-employment-  
Mandatory-registered-are-expected-continue-their-own  
job-search-activities-while-assigned-to-this-component-

1) Eligibility Criteria

A) Mandatory-registered-are-placed-in-MDS-if  
they-possess-particular-barriers-to  
obtaining-and-retaining-employment-such-as  
limited-abilities-and-aptitudes-as  
determined-by-the-mandatory-registered  
education-background-employment-history-and  
experience-during-the-MDS-component-

B) Mandatory-registered-are-placed-in-MDS-if  
they-are-employed-part-time-and-there-are  
reasons-to-believe-that-it-will-lead-to  
full-time-employment-as-determined-by  
contact-with-the-employer-

2) Entry into the Component

Assignment-of-mandatory-registered-to-MDS-may-be  
made-subsequent-to-participation-in-MDS-and-the  
full-assessment--However-assignment-of  
mandatory-registered-to-MDS-can-also-be-made  
from-other-Project-Chance-components-at-any-time  
the-mandatory-registered-meets-the-eligibility  
criteria-of-MDS

3) Participation Requirements

A) Mandatory-registered-must-continue-to-seek  
employment-

B) Mandatory-registered-are-not-required-to  
make-more-than-five-(5)-acceptable-employer  
contacts-per-month-and

C) Mandatory-registered-must-report-to-their  
Project-Chance-worker-ery-change-that-will  
affect-their-eligibility-for-MDS-and-their  
status-in-Project-Chance-and-keep-all  
scheduled-meetings-with-their-Project-Chance  
worker-

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4) Reassessment

Cases-in-MDS-are-reviewed-at-a-minimum-of-every  
six-months--The-review-may-be-handled-by-mail-  
However-based-on-such-review-of-a-mandatory  
registered-employability-the-Project-Chance  
worker-may-schedule-an-appointment-with-the  
mandatory-registered-to-determine-the-mandatory  
registered-is-continued-eligibility-for-the  
component--After-such-review-if-it-is-determined  
that-this-is-not-the-appropriate-component-the  
mandatory-registered-no-longer-satisfies-the  
eligibility-criteria-specified-in-subsection  
(b)(1)--the-mandatory-registered-will-be  
reassigned-to-another-component-of-Project-Chance  
every-Intensive-Job-Search-Job-Club  
Pre-Employment-Work-Experience-or-Special  
Project-

et Pre-Employment

Mandatory-registered-who-are-determined-not-readily  
employable-with-the-current-skills-of-employed-and  
in-need-of-further-training-are-referred-to-the  
Pre-Employment-component--In-the-Pre-Employment  
component-Project-Chance-staff-provide-information  
referral-counseling-services-and-supportive-services  
to-mandatory-registered-to-increase-mandatory  
registered-employment-potential--Mandatory  
registered-may-be-referred-to-testing-counseling-and  
education-resources-rehabilitation-therapy-and  
agencies-or-programs-when-sponsor-such-activities  
for-Job-Training-Partnership-Act-(JTPA)-and  
Department-of-Rehabilitation-Services-(DORS)-

1) Eligibility Criteria

Approval-of-education-and-training-plans-is-based  
upon-the-Department's-assessment-that-

A) The-mandatory-registered-does-not-possess-a  
high-school-diploma-or-a-GED-certification-or  
possesses-one-and-is-in-need-of-further  
training-very-a-Day-Care-Age-who-must  
obtain-further-education-to-satisfy-the  
requirements-for-the-position-and



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- B) The program selected will make the mandatory registrant employable (see subsection (a)(2)) taking into consideration the time required to complete the over-all cost and quality of the program, and
- C) The mandatory registrant is enrolled in post-secondary education or in a vocational training program for which jobs will be available upon completion of training (as determined by the Department of Employment Security's Job Service Division and/or other documented and reliable sources (e.g., Horizon Department of Commerce and Community Affairs and/or the placement officer at an educational institution of facility)) and
- D) The mandatory registrant has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training) and
- E) Enrollment cannot be in a baccalaureate or postgraduate degree program unless the mandatory registrant is in a Department of Rehabilitation Services sponsored program of this type, and
- F) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Registration and Education or is a DPA or Special Projects funded program, and
- G) The mandatory registrant must apply for the Pell Grant and scholarships from the Illinois State Scholarship Commission as well as any scholarships or grants identified by the education or training facility for which the mandatory registrant may be eligible, and

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- H) Mandatory registrants must participate in a full-time program unless:
    - i) a full-time program is not readily available (e.g., a full-time GED program is not available); or
    - ii) a part-time program is the most appropriate (e.g., the mandatory registrant who only needs a four-hour course to complete); and
  - I) Employed mandatory registrants may participate in programs to upgrade their employability potential (e.g., a Nurse Aide who must obtain further training to satisfy the requirements for that position).
- 2) Entry into the Component
- The assignment into the Pre-Employment component results from the joint employment plan developed by the mandatory registrant and the Project Chance worker. Mandatory registrant enter this component.
- A) Subsequent to the completion of the IDS period, or
  - B) After the reclassification of a mandatory registrant in IDS, or
  - C) If mandatory registrants are in an acceptable pre-employment activity (see subsection (e)) at the time of registration with Project Chance, or
  - D) Part-time, while in other components.
- 3) Participation Requirements
- A) The mandatory registrant must maintain a level of satisfactory attendance and progress as established and reported by the educational facility.



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- B) Curriculum changes can be made only with the prior written approval of the Project Chance worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.
- C) Verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term. Additionally, if the Department is paying for child care and/or transportation to enable the client to participate in the pre-employment activity, the client must provide monthly verification of his attendance must be provided.

4) Reassessment

The Project Chance worker contacts mandatory registrants on a monthly basis. If the supportive service payments identified in Section 112.82 are being issued, mandatory registrants are required to submit payment receipts for the program completion which ever comes first. Mandatory registrants must contact the worker for attendance reports. Progress reports group or individual meetings on a case program master and written correspondence.

a) Job Club

Mandatory registrants who are determined employable but who are in need of highly intensified job search skills are referred to Job Club (i.e., Job Clubs conducted by Job Training Partnership Act (JTPA) and Adult Education programs). Job Clubs are programs designed to facilitate job search activities. Job Clubs will be a highly intensive and positive group process approach to teach job finding techniques. Job search activities must be equivalent to those required in the IS component.

1) Eligibility Criteria

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The Job Club component is for mandatory registrants determined to be:

- A) Employable (see subsection (a)(2)) with a marketable skill (i.e., a skill for which jobs are available as determined by such sources as the Department of Employment Security) and
- B) Able to benefit from a highly intensive and structured approach to job seeking (i.e., the mandatory registrant is in need of job seeking skills) or
- C) Interested in the technique employed.

2) Entry into the Component

As Job Club slots become available, mandatory registrants are assigned to this component. Those mandatory registrants having the most recent employment record into consideration such factors as the mandatory registrant's work history will be assigned first.

3) Participation Requirements

A) Non-exempt mandatory registrants assigned to this component must cooperate as required by the Job Club to avoid sanction.

a) Job Club

As in IS, the mandatory registrant is required to make twenty (20) acceptable employer contacts for more contact if required by Job Club in a thirty (30)-day period.

C) Mandatory registrants must provide required proof of acceptable employer contacts (see subsection (a)(4)) to Job Club staff.

B) Mandatory registrants are ordered to be in full-time attendance as defined by the Job Club.

4) Reassessment



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A) Mandatory-registrants-are-contacted-on-a-monthly-basis-to-determine-full-time-attendance-and-the-need-for-supportive-services-(see-Section-112.82).--Contact-need-not-be-face-to-face.--After-such-review-the-Project-Chance-worker-may-schedule-a-meeting-with-the-mandatory-registrant-to-determine-the-mandatory-registrant's-continued-eligibility-for-this-component.--After-such-contact-if-it-is-determined-by-the-mandatory-registrant-and-the-Project-Chance-worker-the-mandatory-registrant-no-longer-satisfies-the-eligibility-criteria-specified-in-subsection-(a)(1),-the-mandatory-registrant-will-be-reassigned-to-another-component-of-Project-Chance.

B) Job-Club-staff-shall-advise-the-Project-Chance-worker-of-less-than-satisfactory-attendance-and-participation-as-the-situation-arises.

e) Work Experience

Mandatory-registrants Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Work Experience component. Work Experience assignments are with not-for-profit and public agencies statewide. Not-for profit and public agencies shall not use Work Experience mandatory registrants participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be

considered to be Federal employees for any purpose.

1) Eligibility-Criteria-Assignment to Work Experience  
A) The Work Experience component is for mandatory-registrants-participants determined:

Ai) to have no recent work history or employer references taking into consideration such factors as the mandatory-registrant's-educational background and previous training; or

Bii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing)7. and

C) not-to-be-exempt-from-participation.--An individual-shall-be-exempt-from-Work-Experience-participation-when-that individual:

i) is-employed-at-least-eight-(8)-hours per-week;-or

ii) is-a-member-of-an-APDC-assistance-unit receiving-less-than-\$134.00-monthly.

2) Entry-into-the-Component

A) Assignment-to-the-Work-Experience-component occurs-after-the-intensive-Job-Search-period has-been-completed-unless-the-mandatory registrant-is-participating-in-another Project-Chance-component.--Mandatory registrants-who-do-not-obtain-employment-at-the-end-of-the-intensive-Job-Search-period and-are-determined-to-be-eligible-for-the Work-Experience-component-based-on-an assessment-of-their-educational-training-and employment-history-will-be-assigned-to-the Work-Experience-component-unless-exempt-from Work-Experience--procedures-used-in-the assessment-are-a-face-to-face-meeting-with the-mandatory-registrant-and-a-review-of-all



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~~available-information-on-the-mandatory~~  
~~registrant-including-but-not-limited-to-the~~  
~~mandatory-registrants-else-where.~~

B) Entry into Work Experience

Participants are determined to be eligible for the Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

BC) Work Experience Classifications

The Work Experience assignment is subdivided into four Work Experience classifications which are such as Clerical Aide, Dietary Aide, Maintenance Aide, and Program Aide. A mandatory-registrant-participant shall be assigned to one of these classifications based on his work history, prior training, experience, skills and vocational preference. The date the mandatory-registrant-participant is scheduled to begin the work assignment marks the beginning of participation in Work Experience.

D) Work Experience activities may be combined with other component activities if it is determined appropriate.32) Participation Requirements

- A) Work assignment consists of three 30-day periods. (The date the mandatory-registrant-participant is to appear at the work assignment begins the three 30-day periods.) The hours of the work assignment for a 30-day period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal

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~~federal~~ minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and mandatory-registrant-participants, the required number of hours will be rounded down to the nearest increment of eight (8) hours. The forty (40) or eighty (80) hours. The minimum number of hours that must be completed within a 30-day period is forty (40) hours, and the maximum number of hours that must be completed within a 30-day period is eighty (80) hours.

B)

During work assignment, mandatory-registrants-the participant shall be required to make ~~eight (8)~~ up to five (5) employer contacts per month or participate in education and training programs. Mandatory-registrants-Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C)

Mandatory-registrants-Participants are also required to report as scheduled and on time to their work assignment sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment sponsor.

D)

Failure to meet the requirements of this subsection shall result in a reassessment process to determine the appropriateness of



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the assignment. If necessary, a new component activity may be assigned.

## 4)3) Reassessment

At the end of the third 30-day period, the mandatory registrant's employability will be evaluated using the procedures and criteria described in ~~Sections~~ Section 112.74. If continuing the work assignment will benefit the mandatory registrant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the mandatory registrant shall be reassigned to the work assignment. Otherwise, the mandatory registrant will be assessed for assignment to another Project Chance component.

## 4) Length of Assignment

An individual cannot be assigned to Work Experience for more than a total of six (6) months.

## 5) Displacement

A) The Work Experience Sponsor shall not use participants to displace persons:

i) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;

ii) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or

iii) who have been temporarily laid off by the Sponsor.

B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they

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believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

i) the name and address of the participant or other employee at the work site i.e., the grievant;

ii) the participant's public aid case number;

iii) the participant's or other employee's (at the work site) social security number;

iv) Work Experience (work site); and

v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.

C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:

i) the participant or other employee at the work site;

ii) the participant's or other employee's (at the work site) representative, if any;

iii) the Work Experience Sponsor;

iv) the Work Experience Sponsor's representative, if any; and

v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work



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site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department shall terminate those Project Chance participants' assignment to that work assignment Sponsor.

G) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## † Special-Projects

Mandatory-registered-who-will-benefit-from-short-term training-and-job-placement-assistance-are-referred-to the-Special-Projects-component--The-Special-Projects component-offers-special-time-limited-services-for specific-target-populations--The-location-of-Special projects-vary-depending-on-area-needs-and-project availability†

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## † Eligibility-Criteria

The-Special-Project-component-is-for-mandatory registrants-determined-to-

A) be-able-to-benefit-from-short-term vocational-training-(e.g.,an-individual-has the-interest-and-ability-to-complete-the training-program-and-be-hired-in-a-position for-which-he-has-trained†

B) be-readily-employable-with-the-addition-of short-term-training-(e.g.,training-for-a specific-job-for-which-there-are-jobs available†-and

C) meet-specific-project-entry-criteria

## 2) Entry-into-the-Component

Assignment-of-mandatory-registrants-to-Special Projects-will-be-made-subsequent-to-participation in-IDS-and-the-full-assessment-

## 3) Participation-Requirements

A) The-mandatory-registered-must-maintain-a level-of-satisfactory-attendance-and progress-as-established-and-reported-by Special-Projects-staff-

B) Verification-of-attendance-and-progress (i.e.,statements-signed-by-the-instructor records-and-reports-prepared-at-the-end-of the-term--Additionally-if-the-Department is-paying-for-child-care-and/or transportation-to-enable-the-entrant-to participate-in-the-Special-Project-activity the-entrant-must-provide-monthly-verification of-his-attendance)-must-be-provided-

## 4) Reassessment

The-Project-Chance-worker-contacts-mandatory registrants-on-a-monthly-basis-if-the-supportive service-payments-identified-in-Section-112.02-are



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issued. -- Mandatory registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion whichever comes first. -- Mandatory registrant contact consists of attendance reports, progress reports, group of individual sessions, on-site program visits and written correspondence.

- g) A Project-Chance-mandatory-registrant, once assigned to a component, shall not be sanctioned for noncooperation with Project-Chance where the alleged noncooperation is based on participation requirements not stated in this part.

## f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

## 1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.

- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.

- C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.

- D) Wages to participants in OJT are considered earned income.

- E) OJT may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirements

- A) The participant must attend all scheduled days.

- B) Failure to participate in the requirements

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## Project Chance Components (Cont'd.)

of this subsection shall result in a reassessment.

## 3) Supportive Services

Participants in OJT receive child care and Medicaid benefits through the AFDC program, not Project Chance.

## g) Exchange Program (see Section 112.98)

## h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1989, ch. 111, par. 1701-1 et seq.), the Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5801 et seq.), the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, par. 101-1 et seq.), AN ACT to provide for the organization and maintenance of the University of Illinois (Ill. Rev. Stat. 1989, ch. 144, par. 22 et seq.), AN ACT providing for the management, operation, control and maintenance of the Regency Universities System (Ill. Rev. Stat. 1989, ch. 144, par. 301 et seq.) and AN ACT to change the name of Southern Illinois Normal University (Ill. Rev. Stat. 1989, ch. 144, par. 600 et seq.).

## 1) Assignment to Post Secondary Education

- A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

- B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

- C) The program is accredited under requirements of State law.



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D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). Jobs must be available for graduates upon program completion.

E) The program is needed for the participant to complete his or her employment plan.

F) The program is full-time or part-time if a full-time program is not available.

G) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

H) If the participant possesses a Baccalaureate degree, no additional education may be approved.

I) The program cannot be a post graduate program.

J) Post secondary education activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) The individual must maintain attendance of at least 75% unless there is good cause for missing more.

B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois State Scholarship Commission, as well as, any scholarship or grants identified by the

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education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

i) Self Initiated Education

Participants who are attending in good standing an institution of higher education or a vocational or technical program at the time they enter the Project Chance program, may continue to attend if the program is approved by the Project Chance program under the provisions of subsections (1)(1)(A) thru (J) below.

1) Assignment to Self Initiated Education

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). Jobs must be available for graduates upon program completion.

E) The program is needed for the participant to complete his or her employment plan.

F) The program is full-time or a full-time



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program is not available or appropriate.

- G) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

- H) If the participant possesses a Baccalaureate degree, no additional education may be approved.

- I) The program cannot be a post graduate program.

- J) Self initiated education activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

- A) The participant must maintain attendance of at least 75% unless there is good cause for missing more.

- B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois State Scholarship Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

3) Supportive Service Limits

- A) Payment will not be made by the Project Chance program for books, fees, or other costs of self initiated education or training.
- B) Individuals in approved self initiated activities may be eligible for child care and transportation as a supportive service.

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j) Job Development and Placement (JDP)

- 1) Project Chance staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

- 2) Assignment to JDP

Job ready individuals may be assigned to JDP.

k) Job Retention

The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.79 Project Chance Sanctions

- a) Sanctions shall may be imposed against those mandatory registrant who have received a full assessment and non-exempt participants who refuse or fail to participate without good cause in Project Chance if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) below.) For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the first-second failure to participate if conciliation is unsuccessful; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a six-month sanction on any mandatory registrant due to a sanction imposed prior-



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## Section 112.79 Project Chance Sanctions (Cont'd.)

~~to May 30, 1986.~~ The Department will not impose a three (3) or six (6) month sanction on any non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

## b) Sanctions

1) Sanctioning of a non-exempt participant or a penalty against exempt participants will result from one instance of any of the following unless conciliation is successful:

- A)1) failure to respond to a job referral;
  - B)2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4);
  - e)3) discontinuing part-time employment (less than 180-30 hours per month week) (see Section 112.64);
  - B)4) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1)); or
  - B)5) use of a supportive service payment (see Section 112.82) for something other than the supportive service for which it was provided; failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74);
  - 7) failure to report to a job readiness skills training session (see Section 112.78);
  - 8) failure to participate in the Project Chance component activity.
  - 2) Sanctioning will result from two of the following

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## Section 112.79 Project Chance Sanctions (Cont'd.)

~~instances of non-cooperation with Project-Chance in a sixty (60)-day period.~~

A)9) A mandatory registrant fails or refuses failure to respond to a written notice for a meeting. For the purposes of determining attendance at Project Chance meetings, if the mandatory registrant participant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the mandatory registrant participant will be considered present and will be seen. If the activities, employability status, mandatory registrant participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The Project Chance worker will include the mandatory registrant participant in a scheduled group or other meeting or re-schedule the mandatory registrant participant for another meeting.

B) A mandatory registrant fails or refuses to complete twenty (20) acceptable employee contacts every thirty (30) days while assigned to intensive job search of job club (see Section 112.78);

C) A mandatory registrant fails or refuses to complete eight (8) acceptable employee contacts every thirty (30) days while assigned to Work Experience (see Section 112.78);

B)10) A mandatory registrant fails or refuses pre-employment activities, employability status, failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every thirty (30) days when employer contact activity is required in a component;

B)11) A mandatory registrant refuses failure to accept child-care, transportation, family counseling or other social service or



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Section 112.79 Project Chance Sanctions (Cont'd.)

employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in Project Chance activities;

F) White-in-Intensive-Job-Search, if a mandatory registrant is assigned to a Job-Seeking Skills-Workshop, all meetings must be attended. Missing one or more meetings is considered a non-cooperation period (see Section 112.78);

G) 12) A mandatory registrant in the work experience component must report to the work assignment every day scheduled. Missing one or more days of the assignment is considered an instance of non-cooperation during a thirty (30)-day period (see Section 112.78); failure to report to the work assignment on time the first day or any scheduled day when assigned to work experience;

H) 13) After a mandatory registrant agrees to participate in a pre-employment activity, he/she must maintain a satisfactory level of attendance as established by the educational facility or an 80% attendance rate if none other is set. Not maintaining a satisfactory level of attendance during a thirty (30)-day period is considered an instance of non-cooperation, and failure to maintain satisfactory attendance of at least 75% in an education/training program;

14) failure to provide verification of education/training activities, employability status, etc.

I) The mandatory registrant must attend all Job Club meetings scheduled, if assigned to this component. Missing one or more meetings during the thirty (30)-day assignment period is considered an instance of non-cooperation (see Section 112.78);

e) A Project-Chance-sanction shall be imposed only on

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Section 112.79 Project Chance Sanctions (Cont'd.)

mandatory registrants who have received a full assessment (see Section 112.74 for assessment criteria);

d) No Project Chance sanction will be imposed until Project Chance staff has sent the mandatory registrant non-exempt participant a written notice scheduling a good cause determination/conciliation meeting to determine whether or not the mandatory registrant non-exempt participant had good cause for his/her failure to comply with Project Chance requirements and the mandatory registrant non-exempt participant has either failed to attend the meeting or failed to show good cause. If the non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to Project Chance participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the mandatory registrant non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.

ed) A Project Chance sanction against non-exempt participants or penalty against exempt participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the mandatory registrant participant establishes good cause (see Section 112.80 for good cause criteria).

fe) When an AFDC-U case is sanctioned for non-compliance with Project Chance, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.

gf) The notice of change form issued for a Project Chance sanction shall include the following:

- 1) a description of the acts of noncooperation with Project Chance, including dates where applicable;
- 2) a statement that the mandatory registrant's non-exempt participants were without good



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Section 112.79 Project Chance Sanctions (Cont'd.)

cause (see Section 112.80 for good cause criteria); and

3) In addition, the following language will be required for non-exempt participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.

4) In addition, exempt participants will receive a notice of change describing the acts of noncooperation, including dates when applicable, a statement that the acts were without good cause, and notification that a penalty may result in loss of priority status should the individual choose to participate in Project Chance at a later time and discontinuance of supportive services.

g) At least fourteen (14) days prior to the end of the sanction period, a notice will be sent to sanctioned non-exempt individuals whose failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.

h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a Project Chance sanction.

i) During the sanction period, the following persons are ineligible for cash assistance: the non-exempt individual who fails to cooperate with Project Chance is ineligible for financial assistance. If the non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the Project Chance Program.

1) If the sanctioned individual is the caretaker relative in an APDC-R case only that individual

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Section 112.79 Project Chance Sanctions (Cont'd.)

is ineligible for financial assistance during the sanction period.

2) If the sanctioned individual is the only dependent child in the family in an APDC-R case, the entire assistance unit is ineligible for financial assistance during the sanction period.

3) If the sanctioned individual is one of several children in the family in an APDC-R case, only that individual is ineligible for financial assistance during the sanction period.

4) If the principal wage earner in an APDC-R case is sanctioned, the entire assistance unit is ineligible for financial assistance for the duration of the sanction period.

5) If the other parent in an APDC-R case is sanctioned, only that individual is ineligible for financial assistance during the sanction period.

j) Volunteers-Exempt volunteers in Project Chance who fail or refuse to cooperate with Project Chance will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers may be penalized by loss of their priority status and supportive services, if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, conciliation, and request an appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 104).

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements

a) If a mandatory registrant participant has good cause for not complying with a Project Chance participation requirement, financial assistance shall not be discontinued or the assistance unit shall not be



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Section 112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements (Cont'd.)

sanctioned. Examples of good cause include but are not limited to:

- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation arrangements or lack of reasonably available transportation;
- 9) inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section ~~112.74~~ 112.72);
- 11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under Project Chance, to the extent the lack of the needed service presents a significant barrier to Project Chance participation;
- 12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Project Chance staff (e.g., a mandatory-registered participant is unable to attend an orientation session because she is already attending GED classes).

- 13) failure to cooperate due to symptoms of conditions for which the participant may need rehabilitation services;

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Section 112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements (Cont'd.)

- 14) failure of Department staff to correctly forward the information to Project Chance staff;
- 15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by Project Chance. When Project Chance workers know in advance of such tests and mandatory classes or functions, they shall schedule Project Chance activities around them if possible;
- 16) failure of the participant due to his/her illiteracy;
- 17) failure of the participant because it is determined that he/she should be in a different Project Chance component;
- 18) non-receipt by the participant of a notice advising him/her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;
- 19) not accepting employment that would result in a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than cash



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## Section 112.80

Good Cause for Failure to Comply With  
Project Chance Participation Requirements  
(Cont'd.)

assistance the individual was receiving at the  
time the offer of employment is made.

A) Gross income includes, but is not limited to:

- i) earnings;
- ii) unearned income; and
- iii) cash assistance.

B) Necessary and reasonable expenses include:

- i) all mandatory deductions from gross  
income including union dues, medical  
insurance, and/or garnishments or court  
ordered income withheld from earnings;
- ii) child care costs at the Department's  
established rate if the individual  
would not be eligible for Transitional  
Child Care; and
- iii) transportation costs to get to and from  
employment including travel for child  
care at the Department's established  
rates;

20) non-comprehension of written and/or oral English;

21) failure of Project Chance staff to make an  
appropriate employability assessment and/or plan;

22) the individual personally provides care for a  
child under age six (6) and the employment would  
require working more than twenty (20) hours per  
week;

23) child care (or day care for an incapacitated  
individual living in the same home as a dependent  
child) is necessary for the participation or  
employment and such care is not available;

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## Section 112.80

Good Cause for Failure to Comply With  
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(Cont'd.)

24) failure to participate in a Project Chance  
activity due to a scheduled job interview;

25) the individual is homeless. Homeless individuals  
(including the family) have no current residence  
and no expectation of acquiring one in the next  
thirty (30) days. This includes individuals  
residing in overnight and transitional  
(temporary) shelters. This does not include  
individuals who are sharing a residence with  
friends or relatives on a continuing basis;

26) circumstances beyond the control of the  
participant which prevent the participant from  
completing program requirements; or

27) other reasons not listed that Project Chance  
staff determine are appropriate.

b) The Project Chance worker will not require a mandatory  
registrant participant to document good cause for  
noncooperation with Project Chance requirements unless:

1) the mandatory-registrant participant has failed  
to comply with Project Chance requirements on at  
least one other occasion within a sixty (60) day  
period; or

2) evidence independent of the explanation of good  
cause casts doubt on the mandatory-registrants  
participant's explanation.

c) No mandatory-registrant participant shall be denied  
good cause solely on the basis that he or she failed  
to notify the Department in advance of a participation  
requirement.

(Source: Amended at 14 Ill. Reg. 13652, effective  
August 10, 1990)

## Section 112.82 Project Chance Supportive Services

a) AFDC mandatory-registrants-participants involved in  
Project Chance are eligible to receive supportive



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## Section 112.82 Project Chance Supportive Services (Cont'd)

service payments to enable them to participate in the program.

- b) During the full initial assessment, the supportive services needed by the mandatory-registered participant which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) child care;
- 3) employment-related-medical-services-(e.g., TB test) job search allowance;
- 4) vocational-rehabilitation;
- 54) initial employment expenses;
- 65) required books, fees, supplies; and
- 76) pre-employment-and-pre-training-physicals;-and required physical examinations and medical services (e.g., TB test).

8) emergency-intervention-services;

- e) Regarding emergency-intervention-services, project chance staff will refer the mandatory-registered to the appropriate local office for application under the Crisis Assistance Program (see 89-III-Adm-Code 116). At a reassessment of a mandatory-registered component-participation, the need for supportive services will be discussed.

- dc) Project Chance participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Supportive services will be made available to the participant at no cost, except for Transitional Child Care (see Sections 112.400 through 112.418).

## ed) Eligible Services

- 1) Transportation

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## Section 112.82 Project Chance Supportive Services (Cont'd.)

- A) If requested and required (e.g., a client participant who does not have an automobile), expenses for transportation will be provided to enable mandatory registrants participants to attend Orientation and Assessment meetings.

- B) Transportation expenses are to be paid to permit participation in the Work-Experience-Job-Club-Pre-Employment-and-Speedai-Project-components Project Chance, including travel necessary to locate appropriate child care.

- C) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the mandatory registrant's participant's own automobile is used, the established State rate per mile (i.e., 24¢ per mile) will be approved, which includes all vehicle-related expenses.

- B) Transportation-expenses-to-go-to-and-from work-until-receipt-of-first-paycheck;

2) Day-Child Care

- A) If requested and required (e.g., when school is not in session), expenses for day-child care services will be provided to enable mandatory-registered participants to attend Orientation and Assessment meetings.

- B) Day-Child care expenses are to be paid to permit participation in the Work-Experience-Job-Club-Pre-Employment-and-Speedai-Project-components Project Chance (see Section 112.78).

- C) Maximum rates for day-child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.



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## Section 112.82 Project Chance Supportive Services (Cont'd.)

## 3) Job Search Allowance

A) An allowance of \$20.00 a month is to be paid to mandatory-registrants individuals participating in Intensive Job Search to assist in the payment of job search-related expenses.

B) An-allowance-of-\$20.00-a-month-is-to-be-paid-to-mandatory-registrants-participating-in-the-job-search-component-if-an-employer-contact-requirement-(e.g. 7-20-employer-contacts-a-month)-is-made.

EB) An allowance of \$5.00 a month will be paid to mandatory-registrants-participating-in Work-Experience individuals to assist in the payment of job search-related expenses if job search activities are part of another Project Chance component.

## 4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to mandatory-registrants participants enrolled in approved education or training programs (see Section 112.78). A maximum payment of \$300.00 per twelve (12) month period will be provided. No payments are allowed for tuition. (Mandatory fees cannot be paid for self initiated activities.)

## 5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a mandatory-registrant participant is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided. (Books and supplies cannot be paid for self-initiated activities.)

6) Pre-Training-and-Pre-Employment Required Physical Examinations and Medical Services

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## Section 112.82 Project Chance Supportive Services (Cont'd.)

Payment is permitted for mandatory-registrants participants to obtain required pre-training-of-pre-employment physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

## 7) Initial Employment Expense

A) Payment may be provided for employment expenses incurred and when requested prior to receipt-of-the-first-paycheck within thirty (30) calendar days from the date employment begins. These expenses are paid on the individual's work days during a thirty (30) calendar day period from the date employment begins.

B) These expenses include,

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300);
- iv) auto license plate fees;
- v) auto insurance at the cheapest rate; and
- vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the mandatory-registrant's participant's own car is used, a-gas-allowance-of-\$4.15-daily-a-rate-of-21¢-a-mile the established State rate per mile or a daily gas allowance based on 20 mile round trip at the established State rate per mile, whichever is less, shall be authorized;
- vii) child care
- viii) physical examinations prior to



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## Section 112.82 Project Chance Supportive Services (Cont'd.)

employment if not provided by the employer; and

- ix) other required items related to a specific job (maximum \$300).
- x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00).
- Item(s) and services(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- c) Initial employment expenses will not be authorized to purchase fire arms, pay local bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- d) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.

f) These allowances are exempt from consideration in determining the AFDC grant amount.

## g) Ancillary Supportive Services

- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in Project Chance:

- A) vocational rehabilitation;
- B) emergency intervention services;

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## Section 112.82 Project Chance Supportive Services (Cont'd.)

c) substance abuse or domestic violence programs;

d) life skills training activities;

e) family planning/sex education;

f) parenting skills; and

g) family counseling.

2) Child care and transportation at the Department's established rates may be provided to enable Project Chance participants to receive ancillary supportive services.

3) Regarding emergency intervention services, Project Chance staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.83 Employment-Child-Care Young Parents Program

a) The Department will pay for child care for a maximum of six (6) months for APDC recipients who obtain employment and are no longer eligible for APDC benefits if the individual requests payment for child care within six (6) months of the month of cancellation of assistance.

b) Payments for child care will be made in amounts not to exceed the maximum rates per child as established by DCF--(see 89 Ill. Adm. Code 356.54)--. The individual shall be subject to the child care eligibility criteria established by DCF--(see 89 Ill. Adm. Code 303)--and shall be subject to the fee schedule established by DCF--(see 89 Ill. Adm. Code 352)--.



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Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

- a) Young Parents Program ("YPP" and "Program") is a voluntary Project Chance program for pregnant or parenting recipients under the age of 21 and who meet the criteria of Section 112.70. The program assists participants toward self support, reduction of unwanted repeat pregnancies and attainment of optimum physical and mental health for themselves and their children. The program offers supportive services, service payments, counseling, instruction, and brokerage to assist participants to attain their goals of education and training, develop job readiness and enhance family management, daily living, family health and personal skills needed for self-sufficiency. Participation in the Young Parents Program is considered the same as participation in Project Chance.

## b) Program Services

- 1) Program services are available for all Cook County residents meeting YPP eligibility requirements, except those residing in the areas served by the Southeast, Auburn Park, Roseland and South Suburban local offices. YPP participants are entitled to the same supportive services as Project Chance ~~volunteers~~ participants as described in Section 112.82. To be eligible to enroll, a person must be pregnant or a parent, under the age of 21 and a recipient of assistance from one of the following programs administered by the Department:
- A) Medical Assistance/Grant Programs (MAG);
    - i) Refugee/Repatriate Programs (RRA);
    - ii) Aid to Families with Dependent Children/Regular (AFDC-R);
    - iii) Aid to Families with Dependent Children/Unemployed Parent (AFDC-U); or
    - iv) General Assistance (GA).
  - B) Medical Assistance/No Grant Programs (MANG - Non-spend down);

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Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

- i) Medical Assistance to Families with Dependent Children (AFDC MANG-CR); or
  - ii) Medical Assistance to Families with Dependent Children/Unemployed Parent (AFDC MANG-CU).
- 2) A participant who attains age 21 may remain in the program for completion of YPP service plans in effect on his or her twenty-first birthday. Upon completion of the service plan, the entire participant is moved to Project Chance ~~if a mandatory participant under Section 112.70, or moved as a volunteer, if exempt from participation under Section 112.71, for completion of the plan of self-support (see Sections 112.70 thru 112.82).~~

## c) YPP operates as follows:

- 1) Participation in the program begins with attendance at a scheduled orientation session. The orientation session provides an overview of YPP and discussions of opportunities, personal goals, and the advantages of self-support, and problems of teenage parents. At orientation the participant is also advised as to the voluntary and mandatory aspects of the Program.
- 2) Following the orientation session, participants are scheduled to attend a series of 3 half day workshops. Each half day session is conducted on a different day. Workshop participants receive information on and are afforded the opportunity to discuss topics such as birth control, education, training, nutrition, self support services, parenting, advocacy, community resources, the world of work, self-esteem and family health care. A self assessment is completed, and a literacy test is administered.
- 3) After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, the participant's interests, abilities and skills are reviewed. Together with the participant, goals and a plan



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Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

of self-support will be developed. The participant is assigned to the appropriate YPP component and, based on an assessment of the participant's needs, may be referred to other appropriate services (e.g., mental health counseling, drug or alcohol abuse counseling and treatment).

## d) Assignment to YPP Component

- 1) On the basis of the interviewer's assessment of the participant's education, training and skills, the participant is assigned to one of the following YPP components: for a period of three (3) months, English-as-a-Second-Language-(ESL)-Vocational-Training-and-Job-Club/Job-Search-Education, Job Skills Training, Job Readiness or Job Search. Participation in each of the YPP components consists of performance of component related activities such as: enrolling in and attending school, ESL English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities.

A) Second Education

- i) Participants currently in school, those wishing to return to school, and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write) are assigned to the Second Education component. These participants are assisted in locating facilities or programs suited to their education or training needs.

B) English-as-a-Second-Language

Participants that do not have the necessary English language skills (i.e., lacks ability to read, write or speak English) to obtain employment

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Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

are assigned to the ESL Education component. These participants are assisted in locating facilities or programs that will teach them English. Participants may receive educational services on-site.

- iii) See Section 112.78(a) for a description of this component, as well as for the participation requirements.

C) Vocational-Training Job Skills Training

- i) Participants with a GED certificate or a high school diploma will be evaluated for assignment to the Vocational Job Skills Training component. They will be referred for vocational training programs such as those offered by JTPA, the city colleges, and Project Chance if they meet the requirements of those programs.

- ii) Participants entering YPP without a high school diploma and already enrolled in vocational training will also be required to participate in GED classes.

- iii) See Section 112.78(b) for a description of this component as well as for the participation requirements.

D) Job-Club/Job-Search Job Readiness

- i) The Job Readiness Component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.



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## Section 112.83

Employment-Child-Care Young Parents Program  
(Cont'd.)

ii) See Section 112.78(c) for a description of this component, as well as for the participation requirements.

D) Job Search

i) Participants in need of intensified job search skills (i.e., has never sought or held a job) or who are determined to be job ready are assigned to ~~Job Club/Job Search, for a period of 3 months,~~ which offers group, instruction, individual counseling and experiential learning to teach participants how to seek employment. A participant is determined to be job ready if an assessment of the participant demonstrates the educational background, work experience, and motivation necessary for entry into the job market. This assessment is done at the end of the three day workshop, upon completion of a YPP component, or following job club activities. Job ready participants receive Project Chance services. Participants will conduct an independent job search (IJS), monitored by YPP workers. Participants conducting independent job search will make five (5) employer contacts weekly and attend weekly IJS group sessions.

ii) See Section 112.78(d) for a description of this component, as well as for the participation requirements.

2) Regardless of component assignment, participants lacking such skills as the parenting, home management, daily living, problem solving or socialization will be assigned to ~~Personal-Skills Development~~ receive personal skill development as part of their component assignment. This activity consists of Parent Training/Enrichment sessions, a series of group instruction seminars

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## Section 112.83

Employment-Child-Care Young Parents Program  
(Cont'd.)

and experiential learning activities, and/or Intensive Counseling.

e) Post Secondary Education

See Section 112.78(h) for a description of this component, as well as for the participation requirements.

f) Self-initiated Education

See Section 112.78(i) for a description of this component, as well as for the participation requirements.

eg) If a need for services other than or in addition to YPP services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.

fh) Every three (3) months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall make personal contact with the participant to review that participant's service employability plan in relation to his/her needs, circumstances and progress.

gi) Every six (6) months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall determine whether to continue, revise or terminate the participant's service-employability plan and/or component assignment.

hj) If the employability plan and/or assigned component are not suited to a participant's needs, the service employability plan shall be revised with input from the participant and the YPP worker and, if necessary, the participant shall be assigned to a more suitable component.

k) Other Considerations

1) If the participant is under age 21 and completes



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

the requirements of a service an employability plan and/or component, the service employability plan may be revised and, if necessary, the participant may be assigned to a different component.

- 2) If the participant reaches age 21 but has not yet attained his/her goal, he/she may remain an active YPP participant until completion of the goal.

1) Temporary-Excuse-From-Participation Young Parents Program Sanction

See Section 112.79 for the Department's policy on sanctions for failure to cooperate with Young Parents Program requirements.

- 1) A YPP worker may temporarily excuse a participant from component participation for good cause for period of not more than three calendar months. A participant will be excused for the period of time necessary to remedy the underlying cause of the excuse. Good cause includes but is not limited to: serious health problems, unexpected emergencies or serious social problems. Services provided under subsection (d)(2) are available to participants excused from component participation for good cause.

- 2) When the excused absence period expires, the participant's ability to participate will be reevaluated according to the standards and procedures set forth in subsection (b)(4) and (d). If it is determined that the participant remains unable to participate, his or her YPP case may be suspended while the basis for the excuse permits up to 90 days. Cases in suspension are eligible only for counseling, information and referral and case management services. A case may only be in suspension status when there is reason to believe that the basis for the excuse can be overcome within the period of suspension.

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## NOTICE OF ADOPTED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

- m) Good cause for failure to comply with Young Parents Program participation requirements

See Section 112.80 for the Department's policy on good cause for failure to comply with Young Parents Program participation requirements.

n) Termination Of YPP Cases

YPP cases shall be terminated for any of the following reasons:

- 1) the participant no longer receives assistance through a YPP eligible public assistance program (see subsection (b)(1) above);
- 2) the participant is age 21 or over and completes all YPP plans;
- 3) the participant who is a volunteer and is exempt from participation requests YPP case cancellation;
- 4) the participant obtains full-time employment and remains employed for six (6) consecutive months;
- 5) the participant who is a volunteer and is exempt from participation elects to enroll in a program providing services similar to those offered by YPP (e.g. Parents Too Soon, Project Match);
- 6) for a period of three (3) consecutive months, the participant who is a volunteer and is exempt from participation fails without good cause, to engage in the activity or level of activity agreed upon in the YPP service-employability plan; or
- 7) the participant moves from Cook County or a move within Cook County causes participation not to be convenient. (In such an instance, the YPP case is transferred to the appropriate Project Chance office); or
- 8) when a participant has been excused for good cause for three (3) months, but whose participation will not be suspended pursuant to



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## NOTICE OF ADOPTED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)~~subsection-(a)-(2)-(e)~~

8) When a participant's status changes to exempt and he/she does not wish to volunteer for YPP services.

9) following-the-period-of-suspension-if-the-basis-for-the-excuse-continues-to-exist.

o) Conciliation and Fair Hearings

See Section 112.77 for the Department's policy on Conciliation and Fair Hearings.

p) Expenses

1) In order to enable YPP participants to engage in YPP approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment expenses, job search allowance child care and/or transportation costs may be approved by YPP workers. YPP shall not duplicate payments made by other programs in which the client is participating, such as Project Chance or JTPA.

1) Job Search participants will receive a weekly transportation allowance in bus tokens. The first week's tokens will be issued in advance. Subsequent issuances will be made if the participant provides names and telephone numbers of five (5) employers contacted each week.

2) Transportation expenses for participation in the other YPP components will be paid in advance of the first two (2) weeks of scheduled participation. At the end of the month, the participant must verify his/her attendance at the scheduled sessions using a record provided by the educational or training institution or a YPP form verifying the participant's attendance. The YPP participant will be reimbursed for the least expensive available means of transportation.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program  
(Cont'd.)

3) Transportation expenses to provide access to services for the treatment of physical, mental, and/or substance abuse related problems for YPP participants themselves and/or their children shall be approved by YPP workers.

4) YPP workers shall approve initial employment expenses necessary to enable a participant to accept employment.

5) Education and training expenses such as books, supplies, and mandatory education fees for participants of the Education, Vocational Training, and the ESL components shall be approved by YPP workers.

6) In order to enable YPP participants to participate in any YPP approved activity except for employment, child care expenses will be provided.

(Source: Section repealed; new Section renumbered from Section 112.315 and amended at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.308 Special Needs Authorizations

The Department will include the special needs listed in subsections (c) and (d) ~~following special authorizations when determining initial and continued eligibility for AFDC items in subsections (a), (b), (e) and (f).~~ If the AFDC unit is determined eligible (or presumptively eligible) for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

a) A student who is a junior or senior in high school and is included in the assistance unit as an eligible child. The allowance is \$15.00 per quarter payable three times a year.

b) A therapeutic diet allowance is required for an eligible recipient who is diabetic and the diet is prescribed by a physician. The amounts are



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.308 Special Needs Authorizations (Cont'd)

- 1) Children \$17.82 per month
- 2) Adults, less than \$ 7.92 per month  
1700 calories
- 3) Adults, 1700 \$17.82 per month  
calories or more
- e) Day-care-to-enable-the-care-taker-to-participate-in employment-education-or-training---for-Representative payee-(RPY)-eases-when-the-care-taker-relative-is-not-a responsible-relative-(see-subsection-(e)-below).
- d) Day-care-for-children-of-elementary-and-secondary school-parents-to-enable-the-parents-to-attend-school (includes-RPY-eases)-(see-subsection-(e)-below).

## e) Qualified providers and payment information

## 1) Qualified Providers

Payment will be approved for day care provided in any of the following:

## A) A-LICENSED-DAY-CARE-CENTER

A-DAY-CARE-CENTER-IS-ANY-CHILD-CARE-FACILITY LICENSED-BY-THE-DEPARTMENT-OF-CHILDREN-AND-FAMILY-SERVICES-(DEPS)-WHICH:

1) REGULARLY-PROVIDES-DAY-CARE-FOR-LESS THAN-24-HOURS-PER-DAY-AND

2) FOR-MORE-THAN-8-CHILDREN-IN-A-FAMILY HOME-OR

3) FOR-MORE-THAN-3-CHILDREN-IN-A-FACILITY OTHER-THAN-A-FAMILY-HOME---(Section 2-09-of-the-Child-Care-Act-of-1969 Ill.-Rev.-Stat.-1987-ch.-237-par. 222-09)

## B) A-LICENSED-DAY-CARE-HOME

1) A-DAY-CARE-HOME-IS-ANY-FAMILY-HOME

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## Section 112.308 Special Needs Authorizations (Cont'd.)

WHICH-PROVIDES-DAY-CARE-FOR-LESS-THAN 24-HOURS-PER-DAY-AND-FOR-MORE-THAN-3 CHILDREN-UP-TO-A-MAXIMUM-OF-8 CHILDREN---THE-MAXIMUM-OF-8-CHILDREN INCLUDES-THE-FAMILY'S-NATURAL-OR ADOPTED-CHILDREN-AND-ALL-PERSONS-UNDER THE-AGE-OF-14.

2) A-LICENSED-DAY-CARE-HOME-DOES-NOT INCLUDE-A-HOME-WHICH-PROVIDES-DAY-CARE TO-ONLY-CHILDREN-FROM-THE-SAME HOUSEHOLD---A-DAY-CARE-HOME-MUST-BE LICENSED-BY-DEPS---(Section-2-18-of-the Child-Care-Act-of-1969-Ill.-Rev.-Stat.-1987-ch.-237-par.-222-18)

## C) A-Home-Not-Subject-to-Licensing

A-home-not-subject-to-licensing-is-a-home which:

1) provides-day-care-for-less-than-24 hours-per-day-and

2) does-not-meet-the-criteria-described above-for-a-day-care-center-or-day-care home.

## 2) Payment-Information

A) Maximum-rates-for-day-care-have-been established-by-the-DEPS-(see-89-Ill.-Adm.-Code-356-519)-the-Department-of-Public Aid-will-allow-payment-in-an-amount-not-to exceed-the-maximum-rates-set-aside-as established-by-DEPS.

B) The-Department-will-make-payment-only-for the-days-care-is-required---However-if necessary-a-day-care-arrangement-may-be maintained-when-care-is-not-actually provided-but-is-needed-to-maintain-the-day care-slot---Reasons-for-maintaining-an arrangement-for-day-care-include--itness of-child-of-childs-care-taker-a-holiday vacation-of-the-child-or-of-the-childs



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NOTICE OF ADOPTED AMENDMENTS

Section 112.308 Special Needs Authorizations (Cont'd.)

care-taker--Payment-will-be-made-to-maintain an-arrangement-for-day-care-for-a-period-not to-exceed-the-total-of-two-calendar-weeks per-year.

E) The-Department-will-not-make-payment-for-day care-provided-by-a-person-(relative-of non-relative)-living-in-the-same-home-as-the child-(rent)-needing-care.

B) If-transportation-is-furnished-by-the-day care-provider-the-rate-approved-for-care includes-the-transportation-cost--No additional-payment-will-be-authorized-for transportation.

E) The-Department-will-allow-payment-only-after the-child's-care-taker-has-submitted-a statement-signed-by-the-day-care-provider verifying-(i.e.-the-number-of-days/hours per-child)-the-amount-of-care-provided.

F) If-a-day-care-center's-regular-charge-is less-than-the-maximum-rate-the-Department will-improve-the-regular-charge--The Department-will-not-pay-for-child-care services-at-a-rate-which-is-higher-than-the maximum-rate-charged-to-clients-for-whom services-are-not-paid-by-the-Department.

G) The-Department-does-not-approve-payment-for any-day-the-day-care-center-is-not-in operation.

H) In-not-for-profit-day-care-centers-the-rate paid-by-the-Department-will-not-exceed-the actual-cost-of-care-on-a-per-child-basis for-the-facility-providing-the-service-of the-maximum-charged-to-clients-for-whom services-are-not-paid-by-the-Department. (The-Department-will-not-pay-more-for clients-for-day-care-than-is-charged-to-a non-public-aid-client.)

I) The-Department-will-not-pay-for-special-fees which-may-be-charged-by-the-center.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.308 Special Needs Authorizations (Cont'd.)

F) Correction of an underpayment.

G) A change in mailing date of the regular warrant creates a period of unmet need.

(Source: Amended at 14 Ill. Reg. 13652, effective August 6, 1990)

Section 112.315 Young Parents Program (Renumbered)

(Source: Renumbered to Section 112.83 at 14 Ill. Reg. 13652, effective August 10, 1990)

SUBPART J: CHILD CARE

Section 112.350 Child Care

The Department will guarantee child care:

a) for each family with a dependent child (as described in Section 112.352 of this Section) requiring such care, to the extent that such care is determined by the Department to be necessary for an individual in the family to accept employment or remain employed; and

b) for each individual participating in activities as provided in Sections 112.74, 112.76, 112.78 and 112.82, including participation in ancillary support services activities such as substance abuse treatment and life skill training, if the Department has approved the activity (in accordance with Section 112.78) and has determined that the individual is satisfactorily participating (as defined at Section 112.78) in the activity.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.352 Child Care Eligibility

a) Child care will be provided for a dependent child of a person receiving AFDC to allow such individual to participate in education or training.

b) Eligibility is also extended to children who meet the



## DEPARTMENT OF PUBLIC AID

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Section 112.352 Child Care Eligibility (Cont'd)

criteria in subsection (a) who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) if the conditions of subsection (a) are met, and the caretaker relative is also a member of a household receiving AFDC.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.354 Qualified Provider

Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services at 89 Ill. Adm. Code: Chapter I, Subpart (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshall at 41 Ill. Adm. Code 100, and is provided in any of the following:

a) Child Care Center

1) A child care center licensed by the Department of Children and Family Services (DCFS) which regularly provides day care for less than twenty-four (24) hours per day:

- A) for more than eight (8) children in a family home, or
- B) for more than three (3) children in a facility other than a family home.

2) A child care center exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2212.09).

b) Licensed Child Care Home or Home Exempt from Licensing

1) A licensed day care home is any family home which provides day care for less than twenty-four (24) hours per day, and for more than three (3)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.354 Qualified Provider (Cont'd.)

children up to a maximum of eight (8) children (Section 2.18 of the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2212.18)). The maximum of 8 children includes the family's natural or adopted children and all persons under the age of twelve (12). A licensed day care home does not include a home which provides day care to only children from the same household.

2) A home exempt from licensing is a home in which child care is provided to no more than three unrelated children under the age of twelve (12) years, including the children of the provider, are cared for at one time. This home is not subject to licensing by DCFS.

c) Licensed Group Child Care Home

A licensed group child care home where no more than twelve (12) unrelated children, including the children of the providers, under the age of twelve (12) are cared for (Section 2.20 of the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2212.20)).

d) Relatives and Babysitters

1) Care provided by relatives in his or her home or in the child's home. Relatives living in the same home as the child are eligible for payment with the exception of the child's mother or father or a person in the same assistance grant as the child.

2) Care provided by a non-relative in the child's home provided the non-relative is not in the same assistance grant as the child.

e) The provisions of this Section are not applicable to families using the child care disregard (as provided at Section 112.366 pursuant to Section 112.143).

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)



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## NOTICE OF ADOPTED AMENDMENTS

Section 112.356 Notification of Available Services

a) The Department will notify all applicants for and families receiving AFDC in writing and orally of programs and supportive services available to them for which they are eligible, and the rights, responsibilities and obligations of participants in the program.

b) The Department will respond to a request for child care within forty-five (45) days from the date the request is received in the local Public Aid Office.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.358 Participant Rights and Responsibilitiesa) Hearings and Conciliation

1) Persons receiving AFDC are entitled to hearings as provided at 89 Ill. Adm. Code 104. Subpart A or conciliation procedures as provided in Section 112.77, as appropriate, on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce ongoing assistance under this Part. However, changes in the manner of payment for on-going child care assistance are not subject to timely notice requirements unless they result in a discontinuance, suspension, reduction or termination of benefits, or they force a change in child care arrangements.

2) Assistance under this Subpart will not be continued at the previous level pending a hearing.

b) Child care services received by a family must be reasonably related to the hours of training or employment.

c) In cases where more than one type of child care is available, (e.g., center, home, etc.), the caretaker relative may choose the arrangement.

d) In the case of a family which was receiving AFDC benefits on October 13, 1988, based on application of the child care disregard at Section 112.143 or through

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.358 Participant Rights and Responsibilities (Cont'd)

the provision of special needs (see Section 112.308), if the family would be disadvantaged as a result of meeting the cost of child care through another method which does directly affect AFDC eligibility and payment (including child care needs), the family's AFDC eligibility and payment (including child care needs) will be determined as if the method of provision which was applicable on October 13, 1988, is still in effect.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.362 Additional Service to Secure or Maintain Child Care Arrangements

The Department will provide child care for an individual receiving AFDC who is waiting to enter an approved education or training program, Project Chance component or employment:

a) for a period not to exceed two weeks; or

b) for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.364 Rates of Payment for Child Care

Rates of payment for child care will be made in amounts not to exceed the maximum rates per child as established by the DCFS (see 89 Ill. Adm. Code 356).

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.366 Method of Providing Child Care

Child care may be provided through one of the following methods:



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Section 112.366 Method of Providing Child Care (Cont'd)

- a) direct payment to the clients for child care costs;
- b) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
- c) arranging with other agencies and community volunteer groups for non-reimbursed child care;
- d) using the child care disregard as provided in Section 112.143; or
- e) adopting such other arrangements as the Department determines appropriate which facilitate service delivery and do not disadvantage the family receiving the service.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

SUBPART K: TRANSITIONAL CHILD CARESection 112.400 Transitional Child Care Eligibility

- a) The Department will guarantee child care for each family with a child (as described in subsections (d) and (e)) whose eligibility for AFDC benefits has ceased due to increased hours of, or earning from, employment, or as a result of the loss of income disregards due to expiration of the time limits at Section 112.142(b).
- b) The family must request child care benefits and provide information necessary for determining eligibility and fees, such as income verification, family size, provider information, and ages of children.
- c) The family must have ceased to be eligible for AFDC on or after October 1, 1989.
- d) A family is eligible to receive Transitional Child Care benefits under this Subpart to the extent such child care is necessary to permit a member of an AFDC family to accept or retain employment if the family otherwise meets the conditions of eligibility.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.400 Transitional Child Care Eligibility (Cont'd)

- e) Eligibility is also provided to children who meet the criteria in subsection (d) above who would be a dependent child except for the receipt of benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) if the conditions of the above mentioned subsections are otherwise met.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.404

Duration of Eligibility for Transitional Child Care

- a) Eligibility for transitional child care begins with the first month for which the family is ineligible for AFDC, as described at Section 112.400, and continues for a period of twelve (12) consecutive months.
- b) Families may establish eligibility for transitional child care in any month of the twelve (12) month eligibility period, and eligibility may be retroactive to the first month for which the family would have been eligible in accordance with subsection (a) above.
- c) If the caretaker relative loses a job with good cause, and finds another job, the family can qualify for the remaining portion of the twelve (12) month eligibility period.
- d) If the family re-establishes eligibility for AFDC during the twelve (12) month period, it could qualify for a new twelve (12) month eligibility period if it meets the other conditions of eligibility.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

## Section 112.406

Loss of Eligibility for Transitional Child Care

The family is not eligible for transitional child care under this Subpart for any remaining portion of the twelve (12) month



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.406 Loss of Eligibility for Transitional Child Care (Cont'd)

period if the caretaker relative:

- a) terminates employment without good cause;
- b) fails to cooperate with the Department in establishing payments and enforcing child support obligations as set forth at 89 Ill. Adm. Code 160.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.408 Qualified Child Care Providers

Payment will be made for child care that otherwise meets the requirements of this Subpart and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by DCFS at 89 Ill. Adm. Code: Chapter I, Subchapter (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshall at 41 Ill. Adm. Code 100, and is provided by qualified child care providers in accordance with Section 112.354.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.410 Notification of Available Services

- a) The Department will notify all families, at the time they become ineligible for AFDC, of their potential eligibility for transitional child care services under this Part, in writing and orally as appropriate.

- b) Notification will include information on steps necessary to establish eligibility for benefits and the families rights and responsibilities under the program.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.412 Participant Rights and Responsibilities

- a) Provision of benefits under this Part are subject to

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 112.412 Participant Rights and Responsibilities (Cont'd)

hearing provisions as provided at 89 Ill. Adm. Code 104. Subpart A.

- b) Timely notice provisions do not apply to changes in the manner of payment, unless those changes result in the discontinuation, suspension, reduction, or termination of benefits, or force a change in child care arrangements.

- c) In cases where a family appeals a decision by the Department under this Subpart, benefits will continue pending the hearing.

- d) Child care must be reasonably related to hours of employment.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.414 Child Care Overpayments and Recoveries

Child care overpayments and recoveries will be conducted pursuant to Section 112.360.

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)

Section 112.416 Fees for Service for Transitional Child Care

- a) Each family that receives transitional child care service under this Part must contribute toward the payment for such child care based on the family's ability to pay.

- b) Fees will be assessed in accordance with the sliding fee scale schedule promulgated by DCFS (see 89 Ill. Adm. Code 352).

(Source: Added at 14 Ill. Reg. 13652, effective August 10, 1990)



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## NOTICE OF ADOPTED AMENDMENTS

Section 112.418 Rates of Payment for Transitional Child Care  
Rates of payment for transitional child care will be made in  
amounts not to exceed the maximum rates per child as  
established by the DCFS (see 89 Ill. Adm. Code 356).

(Source: Added at 14 Ill. Reg. 13652, effective August 10,  
1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: ADMINISTRATION OF SOCIAL SERVICE  
PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 130

3) Section Number: Adopted Action:  
130.321 Amendment

4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of  
the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23,  
Pars. 12-4.5, 12-4.6 and 12-13).

5) Effective Date of Amendment: August 20, 1990

6) Does this rulemaking contain an automatic repeal date?  
Yes X No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 20, 1990.

9) Notice of Proposal Published in Illinois Register:  
March 16, 1990 (14 Ill. Reg. 4049)

10) Has JCAR issued a Statement of Objections to this  
amendment? No

11) Difference(s) between proposal and final version:  
The Authority note has been updated to reference the 1989  
Illinois Revised Statutes.

12) Have all the changes agreed upon by the agency and JCAR  
been made as indicated in the agreement letter issued by  
JCAR? Yes

13) Will this Amendment replace an Emergency Amendment  
currently in effect? No

14) Are there any Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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130.200	Amendment	January 26, 1990 (14 Ill. Reg. 1564)
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NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendment: Corrects reference to the issue rates of commodities from "pound" to "package". Deletes egg mix and adds green beans to the list of available commodities.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Myron Brignan, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris II Building  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER C: SOCIAL SERVICES

PART 130  
ADMINISTRATION OF SOCIAL  
SERVICE PROGRAMS

SUBPART A: TITLE XX BLOCK GRANT PROGRAM

Section	
130.10	Program Administration
130.15	Definitions
130.20	Goal of Services
130.25	Service Activities
130.30	Expenditure of Block Grant Funds
130.35	Limitations on Services and Expenditures
130.40	Eligibility For Services
130.45	Opportunity to Apply For and Receive Services
130.46	Client Case Records
130.50	Purchase Of Services
130.60	Record Retention
130.70	Fees For Purchased Services
130.71	Fees For Services Provided Through Grants-In-Aid
130.80	Reporting Requirements

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section	
130.100	Applicability Of Other Sections
130.110	Overview
130.120	Program Administration
130.130	Request For Proposal
130.140	Allied Agency Responsibilities
130.150	Funding Mechanism
130.152	Sources of Local Funds
130.154	Sources of Locally Generated Funds Used to Match Title XX Funds
130.158	Donor Restrictions on Donations (Repealed)
130.160	Reimbursement Process - Donations (Transferred Funds or Co-payments)
130.161	Advance Disbursement System
130.162	Reimbursement Process (Certification of Expended Funds)
130.170	Assignment of Budget Costs



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section  
130.200 Domestic Violence Shelter and Service Programs

## SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section  
130.300 Program Administration  
130.301 Definitions  
130.302 Allocation Methodology for Federal Surplus Commodities  
130.310 Distribution Network Agencies  
130.311 Local Distribution Centers  
130.312 Liability of Distribution Network Agencies  
130.313 Reports and Maintenance of Records  
130.314 Payment for Distribution  
130.315 Second Harvest Shared Maintenance Fees  
130.320 Eligibility to Receive Commodities  
130.321 Issue Rates of Commodities

## SUBPART E: INCORPORATION BY REFERENCE

Section  
130.500 Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, pars. 9-1, 12-4.5 through 12-4.7, and 12-13); and Sections 2 and 3 of "AN ACT in relation to domestic relations and domestic violence shelters and service programs", (Ill. Rev. Stat. 1987 1989, ch. 40, pars. 2402 and 2403).

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

## Section 130.321 Issue Rates of Commodities

Individuals or households which are determined eligible to receive commodities shall receive available commodities in amounts consistent with the amount of each product available and the size of the household unit. If distribution is less than monthly, issue rates may be increased proportionately.

Commodity	1-2 persons	3-5 persons	7 + persons
Raisins	1-pound	1-pound	1-pound
Cornmeal	1-pound	1-pound	1-pound
Honey	1-pound	2-pounds	3-pounds
Peanut-Butter	1-pound	2-pounds	3-pounds
Pork	1-pound	2-pounds	3-pounds
Vegetarian-Beans	1-pound	2-pounds	3-pounds
Butter	2-pounds	3-pounds	4-pounds
Egg-Mix	2-pounds	3-pounds	4-pounds
Piecrust	2-pounds	3-pounds	4-pounds
Raisins	1 package	1 package	1 package
Cornmeal	1 package	1 package	1 package
Honey	1 package	2 packages	3 packages
Peanut Butter	1 package	2 packages	3 packages
Pork	1 package	2 packages	3 packages
Vegetarian	1 package	2 packages	3 packages
Beans	1 package	2 packages	3 packages
Butter	2 packages	3 packages	4 packages
Green Beans	1 package	2 packages	3 packages
Flour	2 packages	3 packages	4 packages

(Source: Amended at 14 Ill. Reg. 13772, effective August 20, 1990)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE2) Code Citation: 89 Ill. Adm. Code 1143) Section Numbers: Adopted Action:

114.140 Repealed  
 114.402 Amendment  
 114.450 New Section  
 114.452 New Section  
 114.454 New Section  
 114.456 New Section  
 114.458 New Section  
 114.460 New Section  
 114.462 New Section  
 114.464 New Section  
 114.466 New Section  
 114.500 New Section  
 114.504 New Section  
 114.506 New Section  
 114.508 New Section  
 114.510 New Section  
 114.512 New Section  
 114.514 New Section  
 114.516 New Section  
 114.518 New Section

4) Statutory Authority: Sections 9-6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 9-6 and 12-13)5) Effective Date of Adopted Amendments: August 10, 19906) Does this rulemaking contain an automatic repeal date?  
 Yes ☐ No ☒7) Do these Adopted Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: August 10, 19909) Notice of Proposal Published in Illinois Register: April 13, 1990 (14 Ill. Reg. 5385)10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version: Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this rulemaking:

- 1) at line 3 of Section 114.452(a) the phrase "or related activities" is deleted;
- 2) at line 3 of Section 114.454(a)(2), line 11 of Section 114.454(b) and line 5 of Section 114.454(c), the number "1987" is changed to "1989";
- 3) Section 114.458(d) is deleted;
- 4) Section 114.460 is deleted;
- 5) at line 3 of Section 114.464 and line 3 of Section 114.518, the number "365.5(g)" is changed to "365";
- 6) at line 3 of Section 114.500, the phrase "such as income verification, provider information, and ages of children" is inserted after the word "fees"; and
- 7) the number and heading for Section 114.502 is deleted and subsections (a) and (b) are relabelled subsections (e) and (f).
- 8) at line 2 of Section 114.454, the word "Section" is changed to "Subpart";

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.9	Amendment	February 23, 1990 (14 Ill. Reg. 2821)
114.250	Amendment	June 22, 1990 (14 Ill. Reg. 9815)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
114.235	Amendment	April 20, 1990 (14 Ill. Reg. 5713)
114.241	Amendment	April 20, 1990 (14 Ill. Reg. 5713)
114.430	Amendment	April 27, 1990 (14 Ill. Reg. 5945)

15) Summary and Purpose of Adopted Amendments: This rulemaking guarantees child care for persons receiving General Assistance benefits who are in approved educational and training activities and for those who are working. Additionally, this rulemaking guarantees child care for twelve months for certain individuals who have lost General Assistance eligibility due to increased earnings, increased hours of work or due to the loss of the earned income disregard.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begin on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

Section  
114.1 Description of the Assistance Program  
114.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
114.9 Client Cooperation  
114.10 Citizenship  
114.20 Residence  
114.30 Age  
114.40 Relationship  
114.50 Living Arrangement  
114.52 Social Security Numbers  
114.60 Work Registration Requirements  
114.61 Individuals Exempt From Work Registration Requirements  
114.62 Job Service Registration  
114.63 Failure to Maintain Current Job Service Registration  
114.64 Responsibility to Seek Employment  
114.70 Initial Employment Expenses  
114.80 Work and Training Programs  
114.85 Downstate General Assistance - Food Stamps  
Employment and Training Pilot Project  
114.90 Project Chance Participation/Cooperation Requirements (Renumbered)  
114.100 General Assistance Jobs Program (Repealed)

## SUBPART C: PROJECT ADVANCE

Section  
114.108 Project Advance  
114.109 Project Advance Participation Requirements of Adjudicated Fathers  
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers  
114.111 Project Advance Sanctions  
114.113 Project Advance Good Cause for Failure to Comply  
114.115 Individuals Exempt From Project Advance



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 114.117	Project Advance Supportive Services
SUBPART D: PROJECT CHANGE	
Section 114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment

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Section 114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section 114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section 114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.420	Redetermination of Eligibility
114.430	Six Month Extension of Medical Assistance Due to Increased Income From Employment

SUBPART H: CHILD CARE

Section 114.450	Child Care
114.451	Child Care Eligibility
114.452	Qualified Provider
114.454	



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section  
114.456  
114.458  
114.462  
114.464  
114.466

Notification of Available Services  
Participant Rights and Responsibilities  
Additional Service to Secure or Maintain Child Care Arrangements  
Rates of Payment for Child Care  
Method of Providing Child Care

## SUBPART I: TRANSITIONAL CHILD CARE

Section  
114.500  
114.504  
114.506  
114.508  
114.510  
114.512  
114.514  
114.516  
114.518

Transitional Child Care Eligibility  
Duration of Eligibility for Transitional Child Care  
Loss of Eligibility for Transitional Child Care  
Qualified Provider  
Notification of Available Services  
Participant Rights and Responsibilities  
Child Care Overpayments and Recoveries  
Fees for Service for Transitional Child Care  
Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, 1989, ch. 23, pars. 6-1 et seq. and 12-13):

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective August 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill.



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Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1024, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## SUBPART D: PROJECT CHANCE

## Section 114.140 Employment Child Care (Repealed)

This Section shall only apply to General Assistance cases consisting of children and adults residing in the City of Chicago:

- a) The Department will pay for child care for a maximum of six (6) months for General Assistance recipients who obtain employment and are no longer eligible for General Assistance benefits if the individual requests payment for child care within six (6) months of the month of cancellation of assistance.
- b) Payments for child care will be made in amounts not to exceed the maximum rates per child as established by DEPS--(see 89 Ill. Adm. Code 356-5(g))--The individual shall be subject to the child care eligibility criteria established by DEPS--(see 89 Ill. Adm. Code 303)--and shall be subject to the fee schedule established by DEPS--(see 89 Ill. Adm. Code 352)--

(Source: Repealed at 14 Ill. Reg. 13777, effective August 10, 1990)

## SUBPART G: OTHER PROVISIONS



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.402 Special Needs Authorizations

If the General Assistance unit is determined eligible for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

- a) A change in mailing date of the regular warrant creates a period of unmet need.
- b) Correction of an underpayment.
- c) A student who is a junior or senior in high school is included in the assistance unit as an eligible child (applies only to family cases). The allowance is \$15.00 per quarter payable three times a year.
- d) A therapeutic diet allowance is required for an eligible recipient and the diet is prescribed by a physician. The amounts are:
  - 1) Children \$17.82 per month
  - 2) Adults, less than 1700 calories \$ 7.92 per month
  - 3) Adults, 1700 calories or more \$17.82 per month
- e) Household furniture and equipment

- 1) Payment for the purchase of household furniture and equipment will be authorized when:

- A) the item is essential, and
- B) the existing item cannot be repaired or is not worth the cost of repair.

- 2) Payment for the repair of household furniture and equipment will be authorized when the existing item is repairable and the cost of such repairs is less than the replacement cost.

- 3) The household furnishings and equipment considered essential items are:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.402 Special Needs Authorizations (Cont'd)

- A) Stoves
- B) Refrigerator
- C) Kitchen Tables
- D) Kitchen Chairs
- E) Beds

- f) Day-Care-to-enable-the-caretaker-to-participate-in employment-education-or-training--for-Representative Payee-(RPY)-cases-only-when-the-child's-caretaker-is not-a-responsible-relative-(see-subsections-(h)-and-(i)):

- g) Day-care-for-children-of-elementary-and-secondary school-parents-to-enable-the-school-parent(s)-to-attend-school-(includes-RPY-cases)-(see-subsections-(i)-and-(j)):

- h) Qualified providers

The Department will approve payment for day care provided in any of the following:

- 1) A-LICENSED-DAY-CARE-CENTER

A-DAY-CARE-CENTER-MUST-BE-LICENSED-BY-THE DEPARTMENT-OF-CHILDREN-AND-FAMILY-SERVICES (DEFS)--A-DAY-CARE-CENTER-IS-ANY-CHILD-CARE FACILITY-WHICH:

- A) REGULARLY-PROVIDES-DAY-CARE-FOR-LESS-THAN-24 HOURS-PER-PAY--AND

- B) FOR-MORE-THAN-8-CHILDREN-IN-A-FAMILY-HOME-OR

- C) FOR-MORE-THAN-3-CHILDREN-IN-A-FACILITY-OTHER THAN-A-FAMILY-HOME:--(Section-2.09-of-the

Child-Care-Act-of-1969--Ill.-Rev.-Stat. 1987--ch.-23--par.-212.09)

- 2) A-LICENSED-DAY-CARE-HOME



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.402 Special Needs Authorizations (Cont'd)

- A) A DAY-CARE HOME IS ANY FAMILY HOME WHICH PROVIDES DAY-CARE FOR LESS THAN 24 HOURS PER DAY, AND FOR MORE THAN 3 CHILDREN UP TO A MAXIMUM OF 8 CHILDREN. THE MAXIMUM OF 8 CHILDREN INCLUDES THE FAMILY'S NATURAL OR ADOPTED CHILDREN AND ALL PERSONS UNDER THE AGE OF 14.
- B) A LICENSED DAY-CARE HOME DOES NOT INCLUDE A HOME WHICH PROVIDES DAY-CARE ONLY TO CHILDREN FROM THE SAME HOUSEHOLD. A DAY-CARE HOME MUST BE LICENSED BY DCFS (Section 2-18 of the Child-Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 22.12-18).

## 3) A Home Not Subject to Licensing

- A) A home not subject to licensing is a home which provides day-care for less than 24 hours per day and does not meet the criteria described above for a day-care center or day-care home.
- B) The Department will not make payment for day care provided by a person (relative or non-relative) living in the same home as the child(ren) needing care.

## †† Payment - Information

- 1) Maximum rates for day-care have been established by the DCFS (see 89-Ill. Adm. Code 316.5(g)). The Department of Public Aid will allow payment in an amount not to exceed the maximum rates per child as established by the DCFS.
- 2) The Department will make payment only for the day-care is required. However, if necessary, a day-care arrangement may be maintained when care is not actually provided but is needed to maintain the day-care slot. Reasons for maintaining an arrangement for day-care include illness of child or child's caretaker, a holiday vacation of the child or of the child's caretaker. Payment will be made to maintain an

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.402 Special Needs Authorizations (Cont'd)

- arrangement for day-care for a period not to exceed a total of two calendar weeks per year.
- 3) If transportation is furnished by the day-care provider, the rate approved for care includes the transportation cost. No additional payment will be authorized for transportation.

- 4) The Department will allow payment only after the child's caretaker has submitted a statement signed by the day-care provider verifying that the number of days/hours per child the amount of care provided.

- 5) If a day-care center's regular charge is less than the maximum rate, approve the regular charge. The Department will not pay for child care services at a rate which is higher than the maximum rate charged to clients for whom services are not paid by the Department.

- 6) The Department will not approve payment for any day the day-care center is not in operation.

- 7) In not-for-profit day-care centers, the rate paid by the Department is not to exceed the actual cost of care on a per-child basis for the facility providing the service or the maximum charged to clients for whom services are not paid by the Department. (The Department will not pay more for clients for day-care than is charged to a non-public aid client.)

- 8) The Department will not pay for special fees which may be charged by the center.

- 9) The Department will not pay for day-care provided by a person (relative or non-relative) living in the same home as the child(ren) needing care.

- †††) Transportation is required for drug and alcohol treatment/rehabilitation programs. Transportation is not to be paid by the Department if it can be provided without charge by relatives, friends or other agencies or services. A client is expected to use any cost free mode of transportation available in the community.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.402 Special Needs Authorizations (Cont'd)

\*g) The Department will not use special needs items to determine need in establishing initial or continuing eligibility for GA. Need based on the Payment Level must exist before the consideration of payment for a special need.

(Source: Amended at 14 Ill. Reg. 13777, effective August 10, 1990)

## SUBPART H: CHILD CARE

## Section 114.450

## Child Care

a) This Subpart refers only to family cases as defined at 89 Ill. Adm. Code 101.20.

b) The Department will guarantee child care:

1) for each family case requiring such care, to the extent that such care is determined by the Department to be necessary for an individual in the family to accept employment or remain employed; and

2) for each individual participating in activities provided in Sections 114.124, 114.125, 114.126 and 114.127 including participation in ancillary support services or activities such as life skills training, substance abuse treatment, etc., if the Department has approved the activity (in accordance with Section 114.126) and has determined that the individual is satisfactorily participating (as defined at Section 114.127) in the activity.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.452

## Child Care Eligibility

a) Child care will be provided for a dependent child of a person receiving General Assistance to allow such individual to participate in education or training.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.452 Child Care Eligibility (Cont'd)

b) Eligibility is also extended to children who meet the criteria in subsection (a) who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) and the caretaker relative is also a member of a household receiving General Assistance.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.454

## Qualified Provider

Payment will be made for child care that otherwise meets the requirements of this Subpart and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter I, Subchapter (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 100, and is provided in any of the following:

## a) Day Care Center

1) A day care center licensed by DCFS which regularly provides child care for less than twenty-four (24) hours per day:

A) for more than eight (8) children in a family home, or

B) for more than three (3) children in a facility other than a family home.

2) A day care center exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2212.09).

## b) Licensed Day Care Home or License-Exempt Home

1) A licensed day care home is any family home which provides child care for less than twenty-four (24) hours per day, and for more than three (3)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.454

Qualified Provider (Cont'd)

children up to a maximum of eight (8) children. The maximum of 8 children includes the family's natural or adopted children and all persons under the age of twelve (12). A licensed day care home does not include a home which provides child care to only children from the same household. (Section 2.18 of the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2212.18)).

- 2) A home exempt from licensing is a home in which no more than three unrelated children under the age of twelve (12) years, including the children of the provider, are cared for at one time. This home is not subject to licensing by DCFS.

c) Licensed Group Day Care Home

A licensed group day care home is a home where no more than twelve (12) unrelated children, including the children of the providers, under the age of twelve (12) are cared for.

d) Relatives and Babysitters

- 1) Care provided by a relative in his or her home or in the child's home. Relatives living in the same home as the child are eligible for payment with the exception of the child's mother or father or a person in the same assistance grant as the child.

- 2) Care provided by a non-relative in the child's home provided the non-relative is not in the same assistance grant as the child.

- e) The provisions of this Section are not applicable to families using the child care disregard (as provided at Section 114.235 pursuant to Section 114.366).

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

Section 114.456 Notification of Available Services

- a) The Department will notify all applicants and families receiving General Assistance in writing and orally of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.456

Notification of Available Services (Cont'd)

programs and supportive services available to them for which they are eligible, and the rights, responsibilities and obligations of participants in the program.

- b) The Department will respond to a request for child care within forty-five (45) days from the date the request is received in the local Public Aid Office.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

Section 114.458 Participant Rights and Responsibilitiesa) Hearings and Conciliation

- 1) Persons receiving GA are entitled to hearings as provided at 89 Ill. Adm. Code 104. Subpart A, as appropriate, on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce ongoing assistance under this Part. However, changes in the manner of payment for on-going child care assistance are not subject to timely notice requirements unless they result in a discontinuance, suspension, reduction or termination of benefits, or they force a change in child care arrangements.

- 2) Assistance under this Part will not be continued at the previous level pending a hearing.

- b) Child care services received by a family must be reasonably related to the hours of training or employment.

- c) In cases where more than one type of child care is available, (e.g., center, home, etc.), the caretaker relative may choose the arrangement.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)



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## NOTICE OF ADOPTED AMENDMENTS

## Section 114.462

Additional Service to Secure or Maintain Child Care Arrangements

The Department will provide child care for an individual receiving GA who is waiting to enter an approved education or training program, Project Chance component or employment:

- a) for a period not to exceed two weeks; or
- b) for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.464

Rates of Payment for Child Care

Rates of payment for child care will be made in amounts not to exceed the maximum rates per child as established by the DCFS (see 89 Ill. Adm. Code 356).

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.466

Method of Providing Child Care

Child care may be provided through one of the following methods:

- a) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
- b) arranging with other agencies and community volunteer groups for non-reimbursed child care;
- c) using the child care disregard as provided in Section 114.235; or

- d) adopting such other arrangements as the Department determines appropriate which facilitate service delivery and do not disadvantage the family receiving the service.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

SUBPART I: TRANSITIONAL CHILD CARESection 114.500 Transitional Child Care Eligibility

- a) This Subpart refers only to family cases as defined at 89 Ill. Adm. Code 101.20

- b) The Department will guarantee child care for each family case whose eligibility for GA benefits has ceased due to increased hours of, or earnings from, employment.

- c) The family must request child care benefits and provide information necessary for determining eligibility and fees such as income verification, provider information, and ages of children.

- d) The family must have ceased to be eligible for GA on or after October 1, 1989.

- e) A family is eligible to receive Transitional Child care is necessary to permit a member of a GA family to accept or retain employment if the family otherwise meets the conditions of eligibility.

- f) Eligibility is also provided to children who meet the criteria in subsection (a) above who would be a dependent child except for the receipt of benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) may also be provided child care to allow the caretaker relative to accept employment or remain employed if the conditions of subsection (a) and Section 114.500 are otherwise met.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.504

Duration of Eligibility for Transitional Child Care

- a) Eligibility for transitional child care begins with the first month for which the family is ineligible for GA, as described at Section 114.500, and continues for a period of twelve (12) consecutive months.



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## NOTICE OF ADOPTED AMENDMENTS

## Section 114.504

Duration of Eligibility for Transitional Child Care (Cont'd)

- b) Families may establish eligibility for transitional child care in any month of the twelve (12) month eligibility period, and eligibility may be retroactive to the first month for which the family would have been eligible in accordance with subsection (a) above.
- c) If the caretaker relative loses a job with good cause, and finds another job, the family can qualify for the remaining portion of the twelve (12) month eligibility period.
- d) If the family re-establishes eligibility for GA during the twelve (12) month period, it could qualify for a new twelve (12) month eligibility period if it meets the other conditions of eligibility.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.506

Loss of Eligibility for Transitional Child Care

The family is not eligible for transitional child care under this Part for any remaining portion of the twelve (12) month period if the caretaker relative:

- a) terminates employment without good cause;
- b) fails to cooperate with the Department in establishing payments and enforcing child support obligations as set forth at 89 Ill. Adm. Code 160.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.508

Qualified Provider

- a) Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by DCFS at 89 Ill. Adm. Code: Chapter I, Subchapter (e), and Fire Prevention and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.508

Qualified Provider (Cont'd)

Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 100, and is provided by qualified providers in accordance with Section 114.454.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.510

Notification of Available Services

- a) The Department will notify all families, at the time they become ineligible for GA, of their potential eligibility for transitional child care services under this Part, in writing and orally as appropriate.
- b) Notification will include information on steps necessary to establish eligibility for benefits and the families rights and responsibilities under the program.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.512

Participant Rights and Responsibilities

- a) Provision of benefits under this Part are subject to hearing provisions as provided at 89 Ill. Adm. Code 104. Subpart A.
- b) Timely notice provisions do not apply to changes in the manner of payment, unless those changes result in the discontinuation, suspension, reduction, or termination of benefits, or force a change in child care arrangements.
- c) In cases where a family appeals a decision by the Department under this Part, benefits will continue pending the hearing.
- d) Child care must be reasonably related to hours of employment.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 114.514 Child Care Overpayments and Recoveries  
Child care overpayments and recoveries will be conducted pursuant to Section 114.460.

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.516 Fees for Service for Transitional Child Care

a) Each family that receives transitional child care service under this Part must contribute toward the payment for such child care based on the family's ability to pay.

b) Fees will be assessed in accordance with the sliding fee scale schedule promulgated by DCFS (see 89 Ill. Adm. Code 352).

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## Section 114.518 Rates of Payment for Transitional Child Care

Rates of payment for transitional child care will be made in amounts not to exceed the maximum rates per child as established by the DCFS (see 89 Ill. Adm. Code 356).

(Source: Added at 14 Ill. Reg. 13777, effective August 10, 1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED REPEALER

1) The Heading of the Part: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

2) Code Citation: 89 Ill. Adm. Code 146

3) Section Numbers: Adopted Action:

146.5 Repealed  
 146.25 Repealed  
 146.50 Repealed  
 146.75 Repealed  
 146.100 Repealed  
 146.105 Repealed  
 146.125 Repealed  
 146.150 Repealed  
 146.175 Repealed  
 146.200 Repealed

4) Statutory Authority: Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 and 12-13)

5) Effective Date of Adopted Repealer: August 15, 1990

6) Does this rulemaking contain an automatic repeal date?  
 Yes ☐ No ☒

7) Does this Adopted Repealer contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 15, 1990

9) Notice of Proposal Published in Illinois Register:

May 11, 1990 (14 Ill. Reg. 7031)

10) Has JCAR issued a Statement of Objections to this Adopted Repealer? No

11) Difference(s) between proposal and final version: No changes were made to this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



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## NOTICE OF ADOPTED REPEALER

- 13) Will this Adopted Repealer replace an Emergency Repealer currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Repealer: This rulemaking repeals obsolete rules, i.e., rules that have been superceded by 89 Ill. Adm. Code 144.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part:  
Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation:  
77 Ill. Adm. Code 205
- 3) Section Numbers:  
205.120 Amendments  
205.125 Amendments  
205.350 Amendments  
205.520 Amendments  
205.540 Amendments  
205.710 Repeal; New Section  
205.720 Repeal  
205.730 Repeal  
205.740 Repeal  
205.750 Repeal  
205.760 Repeal  
205.1380 Amendments
- Adopted Action:
- 4) Statutory Authority:  
Ambulatory Surgical Treatment Center Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 157-8.1 et seq.
- 5) Effective Date of Amendments:  
August 15, 1990
- 6) Does this Rulemaking contain an Automatic Repeal Date? No.
- 7) Does this Rulemaking contain Incorporation by Reference? No.
- 8) Date Filed in Agency's Principal Office:  
August 15, 1990
- 9) Date Notice of Proposal Published in Illinois Register:  
April 13, 1990 (14 Ill. Reg. 5442)
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.



- 11) Difference Between Proposal and Final Version:  
In response to questions from the Joint Committee on Administrative Rules, the Department has changed the word "may" to "will" in the second sentence of Section 205.710(b)(5). This change clarifies this provision to reflect the fact that the Department will not deny an exception for a center which demonstrates that all of the specified conditions are met.  
Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?  
The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.
- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes.  
These adopted amendments are virtually identical to the emergency amendments which were adopted effective March 26, 1990.
- 14) Are there any other Amendments Pending on this Part? No.
- 15) Summary and Purpose of Rules:

The Department of Public Health is adopting changes in the licensing requirements for ambulatory surgical treatment centers to establish requirements for surgical centers which only perform abortions and related procedures. These changes implement the court decision in *Ragsdale v. Turnock* which allows the Department to adopt, implement, and enforce licensing requirements for these surgical centers. These changes are also consistent with the Ambulatory Surgical Treatment Center Act.

These amendments create a separate classification of surgical centers which are limited to abortions and related procedures. Under these amendments, these centers will be classified as "pregnancy termination specialty centers." Specific exemptions and modifications of the licensing requirements will apply to these centers. The Department believes that these changes will provide adequate protection for patients of these centers, without imposing unnecessary barriers to the provision of these services.

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Changes in Section 205.120 (application for initial licensure), Section 205.125 (application for license renewal), Section 205.350 (laboratory services), Section 205.520 (preoperative care), Section 205.540 (postoperative care), and Section 205.1380 (diagnostic facilities) will apply to all ambulatory surgical treatment centers.

These changes address issues which were raised in relation to the impact on centers which only perform abortions and related procedures; however, the Department believes that the provisions were inaccurate, unduly restrictive, or unnecessary for all licensed centers and is making appropriate changes on that basis. For example, several of these changes reflect the recent changes in the requirements for laboratory testing under the Department's rules entitled "Illinois Clinical Laboratories Code" (77 Ill. Adm. Code 450).

The amendments include the replacement of most of the provisions of Subpart G with the special requirements for pregnancy termination specialty centers. The court has ruled that these provisions were unduly restrictive requirements which restricted access to abortion services.

Several provisions which were located in Subpart G have been revised and relocated in Sections 205.520 and 205.540. The requirements in Section 205.520(d) were revised and relocated from Section 205.720(a)(1) and (a)(2). Similarly, the provisions in Section 205.540(b) and (g) were revised and relocated from Section 205.750(a) and (b). The revised provisions will apply to all pregnancy terminations performed in fully licensed ambulatory surgical treatment centers and in pregnancy termination specialty centers.

Section 205.710(a) defines pregnancy termination specialty centers and establishes conditions for their classification. These provisions limit these centers to procedures to terminate pregnancy performed within 18 weeks assessed gestational age and other gynecologic procedures related to the termination of pregnancy. These provisions also limit the types of anesthesia which may be used in these centers and specify the types of policies and procedures which may be established by these centers.

Section 205.710(b) contains the specific exceptions and modifications of the licensing requirements which apply to pregnancy termination specialty centers. Only the provisions specifically addressed in Section 205.710(b) are being relaxed or changed for these centers; all of the other licensing requirements will apply to these centers in the same manner in which they apply to fully licensed ambulatory surgical treatment centers.



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- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIESPART 205  
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

## SUBPART A: GENERAL

Section  
205.110  
205.115  
205.118  
205.120  
205.125  
205.130

Definitions  
Incorporated and Referenced Materials  
Conditions of Licensure  
Application for Initial Licensure  
Application for License Renewal  
Approval of Surgical Procedures

## SUBPART B: OWNERSHIP AND MANAGEMENT

Section  
205.210  
205.220  
205.230  
205.240

Ownership, Control and Management  
Organizational Plan  
Standards of Professional Work  
Policies and Procedures Manual

## SUBPART C: PERSONNEL

Section  
205.310  
205.320  
205.330  
205.340  
205.350

Personnel Policies  
Presence of Qualified Physician  
Nursing Personnel  
Basic Life Support  
Laboratory Services ~~Ambulatory Surgical Treatment Center~~

## SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section  
205.410  
205.420

Equipment  
Sanitary Facility

## SUBPART E: GENERAL PATIENT CARE

Section  
205.510  
205.520  
205.530  
205.540

Emergency Care  
Preoperative Care  
Operative Care  
Postoperative Care



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## SUBPART F: RECORDS AND REPORTS

Section  
205.610  
205.620

Clinical Records  
Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS  
~~ADDITIONAL REQUIREMENTS FOR FACILITIES IN WHICH~~  
~~OBSTETRICAL/GYNECOLOGICAL PROCEDURES ARE PERFORMED~~

Section  
205.710  
205.720  
205.730  
205.740  
205.750  
205.760

Pregnancy Termination Specialty Centers ~~Abortions~~  
Personnel (Repealed)  
General Patient Care (Repealed)  
Preoperative Requirements (Repealed)  
Postoperative Requirements (Repealed)  
Reports (Repealed)

## SUBPART H: PROCEDURES FOR INVESTIGATION OF COMPLAINTS

Section  
205.810  
205.820  
205.830  
205.840  
205.850  
205.860

Complaints  
Acknowledgement of Complaint  
Investigation  
Prompt Investigation  
Methods  
Notification of Results

## SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

Section  
205.1310  
205.1320  
205.1330  
205.1340  
205.1350  
205.1360  
205.1370  
205.1380  
205.1390  
205.1400  
205.1410

Plant and Service Requirements  
General Considerations  
New Construction, Additions and Major Alterations  
Minor Alterations and Remodeling Changes  
Administration Department and Public Areas  
Clinical Facilities  
Support Service Areas  
Diagnostic Facilities  
Other Building Services  
Details and Finishes  
Construction, Including Fire Resistive Requirements

## SUBPART J: MECHANICAL

Section  
205.1510

General

205.1520 Thermal and Acoustical Insulation  
205.1530 Steam and Hot Water Systems  
205.1540 Air Conditioning, Heating and Ventilating Systems

## SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section  
205.1610  
205.1620  
205.1630  
205.1640  
205.1650

General  
Plumbing Fixtures  
Water System  
Drainage Systems  
Identification

## SUBPART L: ELECTRICAL

Section  
205.1710  
205.1720  
205.1730  
205.1740  
205.1750  
205.1760  
205.1770  
205.1780  
205.1790

General  
Switchboards and Power Panels  
Panelboards  
Lighting  
Receptacles (Convenience Outlets)  
Grounding  
Equipment Installation in Special Areas  
Emergency Electric Service  
Fire Alarm System

205. TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 157-8.1 et seq.)

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596,



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effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 205.120 Application for Initial Licensure

- a) AN APPLICATION FOR LICENSE SHALL BE MADE TO THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT (Section 5 of the Act). The application shall be submitted not less than sixty days prior to the date of intended operation and shall contain the information required under the Act and this Part.
- b) The initial application shall include the following information:
  - 1) The names and addresses of all persons who own the facility, any names under which any of these persons do business, and the type of ownership of the facility (for example, individual, partnership, corporation, or association). In addition, a corporation shall submit:
    - A) A copy of its certificate of incorporation.
    - B) A list of the title, name and address of each of its corporate officers.
    - C) A list of the name and address of each of its shareholders holding more than five percent of the shares.
  - 2) The names and addresses of all persons under contract to manage or operate the facility.
  - 3) The location of the facility.
  - 4) Information regarding any conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude in the last five years.
  - 5) The name, address, telephone number, education, experience, credentials and any professional licensure or certification of

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Section 205.120(b)(5) (continued)

the following persons:

- A) Administrator.
- B) Medical Director.
- C) Supervising Nurse.
- 6) A list of the medical staff including name, ~~address, telephone number, specialty and license number.~~
- 7) A list of all staff personnel including name, ~~address, telephone number, position, education, experience, and any professional licensure or certification.~~
- 8) A narrative description of the facility including but not limited to interviewing, examination, surgical and recovery room facilities.
- 9) A description of services to be provided by the facility including a list of surgical procedures to be performed subject to approval in accordance with the requirements of Section 205.130.
- 10) Documentation of compliance with Section 205.350 of this Part. ~~The name, address, education, experience and certification of the qualified medical technician who will perform required laboratory procedures or a copy of the written agreement with a laboratory, licensed by the Department, to perform the required laboratory procedures.~~
- 11) A copy of the transfer agreement with a licensed hospital within approximately 15 minutes travel time of the facility or other documentation demonstrating compliance with Section 205.540(d) ~~of this Part.~~
- 12) A copy of the organizational plan of the facility (see Section 205.220).
- 13) Schematic architectural plans.
- 14) Documentation of a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.)



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## Section 205.120(b) (continued)

15) Documentation of compliance with all applicable local building, utility, and safety codes.

c) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT AND SHALL INCLUDE A VERIFICATION form acknowledging the application to be true and complete and certifying that the applicant has knowledge of and understands the action required to comply with the Act and licensing requirements. THE FORM SHALL BE VERIFIED by a notary public. (Section 5 of the Act)

d) THE LICENSE APPLICATION SHALL BE ACCOMPANIED BY A LICENSE FEE OF \$500. (Section 5 of the Act)

(Source: Amended at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.125 Application for License Renewal

a) Application for license renewal shall be submitted on forms provided by the Department. Application for license renewal shall be submitted to the Department not less than 30 days prior to the expiration date.

b) An application for license renewal shall include the following information:

1) The names and addresses of all persons who own the facility, any names under which any of these persons do business, and the type of ownership of the facility (for example, individual, partnership, corporation, or association). In addition, a corporation shall submit:

A) A list of the title, name and address of each of its corporate officers.

B) A list of the name and address of each of its shareholders holding more than five percent of the shares.

2) The names and addresses of all persons under contract to manage or operate the facility.

3) The location of the facility.

4) Information regarding any conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its

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## Section 205.125(b)(4) (continued)

members, or if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude during the previous year.

5) The name, address, and telephone number of the administrator, medical director, and supervising nurse. In addition, the education, experience, credentials and any professional licensure or certification of these individuals must also be submitted if this information was not submitted with the initial application or a prior renewal application or if this information has changed since the prior submission.

6) A list of the medical staff including name, ~~address,~~ ~~telephone number,~~ specialty and license number.

7) A list of all staff personnel including name, ~~address,~~ ~~telephone number,~~ position, education, experience, and any professional licensure or certification.

8) A list of surgical procedures being performed at the facility. Any new procedures which are included in this list must be identified and are subject to approval in accordance with the requirements of Section 205.130.

c) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT AND SHALL INCLUDE A VERIFICATION form acknowledging the application to be true and complete and certifying that the applicant has knowledge of and understands the action required to comply with the Act and licensing requirements. THE FORM SHALL BE VERIFIED by a notary public. (Section 5 of the Act)

d) The license renewal application shall be accompanied by A LICENSE RENEWAL FEE OF \$300. (Section 6 of the Act)

(Source: Amended at 14 Ill. Reg. 13802, effective August 15, 1990)

## SUBPART C: PERSONNEL

Section 205.350 Laboratory Services  
~~Ambulatory Surgical Treatment Center~~

Each ambulatory surgical treatment center shall meet each ~~have one~~ of the



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## Section 205.350 (continued)

## following requirements:

- a) Comply with the requirements of the Department's rules Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450). ~~a qualified medical technician who is certified by the American Society of Clinical Pathologists or is the holder of a letter, certificate, or record from the Bureau of Quality Assurance of the Department of Health, Education, and Welfare that he/she has passed the Federal Proficiency Examination Program for Clinical Laboratory Technologists, to perform required laboratory procedures.~~
- b) Have a ~~A~~ written agreement with a laboratory, licensed ~~by the Department~~ under the Department's rules Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450), to perform any required laboratory procedures ~~which are not performed in the center.~~

(Source: Amended at 14 Ill. Reg. 13802, effective August 15, 1990)

## SUBPART E: GENERAL PATIENT CARE

## Section 205.520 Preoperative Care

- a) Where medical evaluation, examination, and referral are made from a private physician's office, hospital, or clinic, pertinent records thereof shall be available and made part of the patient's clinical record at the time the patient is registered and admitted to the ambulatory surgical treatment center.
- b) A complete medical history shall be obtained and the physical examination shall be complete. A preanesthetic evaluation shall be completed specifically identifying any patient sensitivity or contraindications to anesthesia.
- c) A hemoglobin or hematocrit and examination of the urine for sugar, protein, and acetone shall be performed ~~by a qualified laboratory technician~~ prior to the following procedures:
  - 1) those performed with general anesthesia,
  - 2) those performed with intravenous sedation,
  - 3) those performed with spinal or epidural anesthesia,

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## Section 205.520(c) (continued)

- 4) those performed with any other specific anesthesia technique designated by the consulting committee, and
  - 5) those performed to terminate pregnancy.
- d) Prior to procedures performed to terminate pregnancy, the physician shall establish the diagnosis of pregnancy by appropriate clinical evaluation and testing. In addition, the patient's blood Rh factor shall be determined.
  - e) ~~d~~ A written statement indicating informed consent and a signed authorization by the patient for the performance of the specific surgical procedure shall be procured and made part of the patient's clinical record.
  - f) ~~e~~ Surgical procedures shall not be performed on patient's having medical, surgical, or psychiatric conditions or complications as specified by the consulting committee in the facility's written policies.
  - g) ~~f~~ Prior to admission to the facility for a surgical procedure, the patient shall be informed of the following:
    - 1) Patients who receive general anesthesia, intravenous sedation, spinal or epidural anesthesia, or any other specific anesthesia technique designated by the consulting committee, must not attempt to drive a motor vehicle immediately upon discharge from the facility.
    - 2) Patients must make arrangements prior to admission for safe transportation from the facility upon discharge to return to home or to a similar environment.

(Source: Amended at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.540 Postoperative Care

- a) Patients shall be observed in the facility for a period of time sufficient to ensure that the patient is awake, physiologically stable, manifests no immediate postoperative complications, and is ready to return to home or to a similar environment. No patient shall be required to leave the center in less than one (1) hour following the procedures.



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## Section 205.540 (continued)

- b) Rh factor sensitization prophylaxis shall be provided to all Rh negative patients following procedures performed to terminate pregnancy, in accordance with standard medical procedures.
- c) ~~b)~~ Patients in whom a complication is known or suspected to have occurred— occurred during or after the performance of a surgical procedure, shall be informed of such condition and arrangements made for treatment of the complication. In the event of admission to an inpatient facility a summary of care given in the ambulatory surgical treatment center concerning the suspected complication shall accompany the patient.
- d) ~~e)~~ To insure availability of follow-up care at a licensed hospital, the ambulatory surgical treatment center shall provide written documentation of one of the following:
- 1) A transfer agreement with a licensed hospital within approximately fifteen (15) minutes travel time of the facility.
  - 2) A statement that the medical director of the facility has full admitting privileges at a licensed hospital within approximately fifteen (15) minutes travel time and that he/she will assume responsibility for all facility patients requiring such follow-up care.
  - 3) A statement that each staff physician, dentist, or podiatrist has admitting privileges in a licensed hospital within fifteen (15) minutes travel time of the facility.
- e) ~~d)~~ Written instructions shall be issued to all patients in accordance with the standards approved by the consulting committee of the ambulatory surgical treatment center and shall include the following:
- 1) Symptoms of complications associated with procedures performed.
  - 2) Limitations and/or restrictions of activities of the patient.
  - 3) Specific telephone number to be used by the patient, at anytime, should any complication or question arise.
  - 4) A date for follow-up or return visit after the performance of the surgical procedure which shall be scheduled within six weeks.
- f) ~~e)~~ Patients shall be discharged only on the written signed order of a physician. The name, or relationship to the patient, of the person

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## Section 205.540(f) (continued)

accompanying the patient upon discharge from the facility shall be noted in the patient's medical record.

- g) Information on availability of family planning services shall be provided, when desired by the patient, to all patients undergoing a pregnancy termination procedure. When, in the physician's opinion, it is in the best interests of the patient and with the patient's consent, family planning services may be initiated prior to the discharge of the patient.

(Source: Amended at 14 Ill. Reg. 13802, effective August 15, 1990)

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS  
~~ADDITIONAL REQUIREMENTS FOR FACILITIES IN WHICH  
OBSTETRICAL/GYNECOLOGICAL PROCEDURES ARE PERFORMED~~Section 205.710 Pregnancy Termination Specialty Centers ~~Abortions~~

~~Abortions shall be provided to the public with the same standards of safety, effectiveness, and regard for patients' rights as any other health service.~~

- a) A facility will be considered a pregnancy termination specialty center if it meets each of the following conditions:
- 1) Procedures performed at the facility are limited to procedures to terminate pregnancy performed within 18 weeks assessed gestational age (beginning on the first day of the last menstrual period), and other gynecologic procedures related to the termination of pregnancy. Assessed gestational age may be determined by patient history or by clinical assessment.
  - 2) The center does not use general, epidural, or spinal anesthesia for any of the procedures performed. If intravenous sedation is used, mechanical ventilation devices and intubation equipment must be available on site.
  - 3) The program narrative and policies of the facility are limited to the performance of procedures to terminate pregnancy and other procedures related to the termination of pregnancy.
- b) The following exceptions and modifications of the requirements of this Part apply to pregnancy termination specialty centers.



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## Section 205.710(b) (continued)

Pregnancy termination specialty centers shall comply with each of the requirements of this Part, unless specifically excepted or modified by the provisions of this subsection.

- 1) The initial and renewal application need only include the name, address, and telephone number of all owners, administrators, and medical directors of the center [in lieu of compliance with Section 205.120(b)(5) through (7) and Section 205.125(b)(5) through (7)]. However, the other information required in these provisions shall be maintained at the center and be available for inspection by the Department. The information shall include the original or notarized copies of credentials of all licensed or certified personnel.
- 2) Compliance with Section 205.540(d) is not required, if the medical director or a physician practicing at the facility has a professional working relationship or agreement, maintained in writing at the facility and verifiable by the Department, with a physician who does have admitting or practice privileges at a licensed hospital within 15 minutes from the facility and who will assume responsibility for all facility patients requiring such follow-up care.
- 3) The administrative and public areas of the facility are not required to comply with Section 205.1350.
- 4) A separate examination room is not required; however, adequate space shall be provided to accommodate any equipment necessary for examination, to perform examinations safely, and to allow unobstructed ingress and egress to and from the examination area [in lieu of compliance with Section 205.1360(a)(1)].
- 5) Each room in which procedures to terminate pregnancy are performed shall be at least 120 square feet in size with a minimum dimension of at least 10 feet. Exceptions will be made when the center demonstrates that the room size is adequate to accommodate the equipment required for the procedures, to facilitate the performance of the procedures safely, and to protect the patients and staff in the event of fire or other emergency [in lieu of compliance with Section 205.1360(b)(1)].
- 6) A communication system between the control station and each procedure room is not required [in lieu of compliance with Section 205.1360(b)(2)].

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## Section 205.710(b) (continued)

- 7) Not less than three recovery beds or lounge chairs shall be required for each procedure room. However, if the facility's narrative program provides that no more than two procedures per hour will be performed per procedure room, then only two recovery beds or lounge chairs will be required for each procedure room. A minimum of three feet shall be provided between each recovery bed or lounge chair and an unobstructed passageway of a minimum of four feet shall be provided at one end of each bed or chair [in lieu of compliance with Section 205.1360(c)(2) and (c)(7)].
- 8) The recovery area is not required to include a drug distribution station, charting facilities, nurses station, or storage space for supplies and equipment [in lieu of compliance with Section 205.1360(c)(3)]. However, the facility shall provide for direct visual supervision of the recovery area for all patients.
- 9) A toilet for patient use must be in the recovery area, or in a location which does not require patients to enter public areas or other patient care areas in order to gain access from the recovery area. This toilet may not be available for public use. A gray diverter valve is not required on the toilet in the recovery area, if a means of fluid waste disposal is provided at another location within the center [in lieu of compliance with Sections 205.1360(c)(4) and 205.1370(f)].
- 10) A control station for the operating suite is not required [in lieu of compliance with Section 205.1370(a)].
- 11) A scrub station is not required outside the procedure room, if the procedure room contains a sink with handwashing capabilities [in lieu of compliance with Section 205.1370(d)].
- 12) A separate soiled workroom is not required; however, facilities shall be provided for closed clean storage which prevents contamination by soiled materials, and for storage and handling of soiled linens and other soiled materials. These procedures shall be described in the center's narrative program [in lieu of compliance with Section 205.1370(e) and (g)].
- 13) Anesthesia and medical gas storage facilities are not required [in lieu of compliance with Section 205.1370(h) and (i)].
- 14) A one-way traffic pattern through staff change areas is not required, but space shall be provided for any changing or



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## Section 205.710(b)(14) (continued)

gowning which is required by the specific procedures which are being performed in accordance with the center's narrative program [in lieu of compliance with Section 205.1370(k)].

15) A change area for patients is not required [in lieu of compliance with Section 205.1370(l)].

16) A separate janitor's closet for the surgical suite is not required, if the janitor's closet for the center is centrally located and contains space for the storage of supplies needed for cleaning both the surgical and non-surgical areas of the center [in lieu of compliance with Section 205.1370(n)].

17) A minimum corridor width of five feet and a minimum door width of three feet shall be provided for all corridors and for all doors which are accessible to the public or through which patients may need to be transported in an emergency [in lieu of compliance with Section 205.1400(a)(1), (b)(2), and (b)(3)].

18) The requirements of Section 205.1400(d) for flush thresholds and expansion joint covers do not apply.

19) Ceilings in procedure and recovery rooms must be cleanable, but are not required to be washable [in lieu of compliance with Section 205.1400(n)(1)].

20) The requirements for elevators in Section 205.1410(d)(1) do not apply.

21) Ventilation, air change, and air filter requirements do not apply; however, temperature shall be maintained in the facility between 68 and 80 degrees Fahrenheit [in lieu of compliance with Section 205.1540 and Table A].

22) The requirement for one duplex receptacle for each wall does not apply [in lieu of compliance with Section 205.1750(b)].

(Source: Section repealed, new Section adopted at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.720 Personnel (Repealed)

~~At least one registered professional nurse with postgraduate education or experience in obstetrical or gynecological nursing shall supervise and~~

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## Section 205.720 (continued)

~~direct the nursing personnel and care of patients having obstetrical procedures.~~

~~AGENCY NOTE: Procedures involving the pregnant uterus are subject to particular complications and postoperative care requires a special knowledge on the part of nursing staff.~~

(Source: Repealed at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.730 General Patient Care (Repealed)

~~a) Examination~~

~~1) Prior to obstetrical procedures blood Rh factor shall be determined by a qualified laboratory technician for every patient.~~

~~2) The physician performing an abortion procedure shall establish the diagnosis of pregnancy by appropriate clinical evaluation and testing prior to performing an abortion procedure.~~

~~3) Time shall be allowed between the initial examination and termination of pregnancy to permit the reporting to and reviewing of all laboratory tests with the patient by the facility physician.~~

~~b) Counseling~~

~~1) Counseling shall be provided following disclosure to the patient of the diagnosis of pregnancy, and prior to performance of any surgical procedure. It shall be done individually and in a room designated for such use which shall not be the procedure room.~~

~~2) All facilities shall provide orientation training for counselors and insure that each counselor is qualified to:~~

~~A) Counseling shall be done by a person qualified to:~~

- ~~i) discuss alternatives for dealing with a unwanted pregnancy;~~

~~ii) describe the procedures used in the facility;~~



## Section 205.730(b)(2)(A) (continued)

- ~~iii) explain the risks and possible complications of each procedure;~~
- ~~iv) provide contraception information;~~
- ~~B) Demonstration of such counseling qualifications shall be required by the Department;~~
- ~~C) Documentation of orientation training shall be required by the Department;~~
- ~~D) Counselors shall have no financial interest in the patient's decision;~~
- ~~3) Counseling shall include a discussion of alternatives, description of the procedure to be performed, explanation of risks and possible complications. Contraceptive information may be provided postoperatively. Group counseling may be provided in addition to individual counseling. The patient's clinical record shall include documentation of the counseling received;~~
- ~~AGENCY NOTE: In the opinion of the Ambulatory Surgical Treatment Center Licensing Board, the patient should make a decision concerning the procedure in an atmosphere free from coercion. Consequently, the Board believes this is best accomplished in a room separate and apart from the procedure room. The Board believes that it is difficult to reach a truly voluntary decision while the patient is undressed and on the procedure table.~~

(Source: Repealed at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.740 Preoperative Requirements (Repealed)

~~Abortions may be performed in an ambulatory surgical treatment center on only those patients with gestation up to and including 12 weeks commencing with ovulation rather than computed on the basis of the menstrual cycle, as determined by the physician, if the patient's medical condition permits. Abortions shall not be performed in an Ambulatory Surgical Treatment Center on those patients whose gestation exceeds 12 weeks.~~

(Source: Repealed at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.750 Postoperative Requirements (Repealed)

- ~~a) Each obstetrical/gynecological service shall provide Rh factor--sensitization prophylaxis to all Rh-negative patients according to--standard medical procedures;~~
- ~~b) Information on availability of family planning services shall be provided when desired by the patient. When, in the physician's opinion, it is in the best interest of the patient and with the patient's consent, family planning services may be initiated prior to the discharge of the patient;~~

(Source: Repealed at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.760 Reports (Repealed)

- ~~a) A report of each abortion procedure performed in an ambulatory surgical treatment center shall be made to the Department on forms provided by it. These reports shall be submitted not later than ten (10) days following the month in which the abortion was performed. Reports shall be submitted on procedures performed whether or not the patient was pregnant;~~
- ~~b) Reports shall not be filled out in such a manner or at such a time as to avoid accurate reporting of complications;~~
- ~~c) If the facility becomes aware of a complication following the submission of the original report, then a supplemental report shall be submitted to the Department;~~

(Source: Repealed at 14 Ill. Reg. 13802, effective August 15, 1990)

## Section 205.1380 Diagnostic Facilities

~~If the pre-admission evaluation tests are to be performed within the facility, the following services shall be provided:~~

- a) Radiographic suite, if radiography is provided in the center, shall contain the following:

- 1) film processing area
- 2) viewing and administration area
- 3) film storage facilities



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## Section 205.1380(a) (continued)

- 4) toilet room with handwashing facilities, directly accessible from each fluoroscopy room without entering the general corridor area.
- 5) dressing area with convenient access to toilets.
- b) If laboratory testing is performed in the center which requires a permit or license under the Department's rules Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450), the laboratory area of the center ~~laboratory suite~~ shall contain the following minimum facilities:
  - 1) Laboratory work counter with sink and vacuum, and electric services.
  - 2) Lavatory or counter sink equipped for handwashing.
  - 3) Storage cabinet or closet for any necessary laboratory supplies and equipment. This storage area may be combined with other storage areas in the center.
  - ~~4) Specimen collection facilities equipped with a toilet and lavatory.~~
  - ~~4) 5) Blood collection facilities shall have space for a chair and work counter.~~

(Source: Amended at 14 Ill. Reg. 13802, effective August 15, 1990)

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- 1) Heading of Part:  
Hospital Licensing Requirements
- 2) Code Citation:  
77 Ill. Adm. Code 250
- 3) Section Numbers:  
250.160  
250.1870  
Adopted Action:  
Amendments  
New Section
- 4) Statutory Authority:  
Hospital Licensing Act  
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.
- 5) Effective Date of Amendments:  
September 1, 1990
- 6) Does this Rulemaking contain an Automatic Repeal Date? No.
- 7) Does this Rulemaking contain Incorporation by Reference? No.
- 8) Date Filed in Agency's Principal Office:  
September 1, 1990
- 9) Date Notice of Proposal Published in Illinois Register:  
February 16, 1990 (14 Ill. Reg. 2478)
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this Rulemaking? No.
- 11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department added a cross-reference to other provisions of the rules to Section 250.1870(g)(7). The added language reads: "See Sections 250.1830(e), 250.1850, 250.2440(h) and 250.2630(h)." The referenced provisions provide additional details about requirements for nursery facilities.

In response to public comments, the proposed provisions in Section



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250.1870(g)(2), concerning the minimum room size for single room maternity care, were revised. The proposed version of these provisions read:

- 2) Minimum Room Sizes
  - A) In newly constructed maternity units and in maternity units which undergo any remodelling which includes the relocation of any patient room walls, each room used for single room maternity care shall include a minimum dimension of twelve feet and a minimum clear area of 250 square feet.
  - B) In maternity units which are converting patient rooms to single room maternity care without any remodelling which includes the relocation of any patient room walls, any patient room which meets all of the following requirements may be used for single room maternity care:
    - i) Contains not less than 220 square feet of clear area and a minimum dimension of not less than ten feet.
    - ii) Complies with the physical plant requirements for semi-private postpartum rooms on [the effective date of these amendments].
    - iii) Remains in compliance with the physical plant requirements for semi-private postpartum rooms.
  - C) For the purposes of this subsection, clear area shall include only useable space within the patient room and shall not include entry or vestibule areas, space required for door swings, or space for fixed, immovable furniture. The bathroom shall not be included in calculating the clear area of the patient room.

These provisions were revised to read as follows in the adopted amendments:

- 2) Minimum Room Sizes
  - A) Each room used for single room maternity care shall include a minimum dimension of 12 feet and a minimum clear area of 250 square feet, except as provided in subsections (g)(2)(B) or (g)(2)(C) of this Section.
  - B) Rooms which were approved for use as "birthing rooms" by the Department prior to [the effective date of these amendments] may continue to be used for single room maternity care. The hospital must follow the policies and procedures under which the rooms were approved.
  - C) Rooms which contain a minimum dimension of 10 feet and a minimum clear area of 180 square feet, will be approved by the Department for single room maternity care, when the hospital demonstrates that all of the following conditions are met:
    - 1) Policies and procedures for assessing the level of

risk for each patient, for determining which patients may not utilize single room maternity care, and for referring patients to other facilities have been established and are being followed.

- ii) The hospital participates in a Regional Perinatal Network and has been approved for Level I or Level II care. The hospital does not provide Level III care as described in the Department's rules entitled "Regionalized Perinatal Health Care Code" (77 Ill. Adm. Code 640).
- iii) At least one delivery room with a minimum clear area of not less than 300 square feet is available for more complex deliveries and unanticipated risks. The delivery room must be in the maternity unit, on the same level as the rooms in which single room maternity care is provided, and accessible without passing through any areas used for functions other than single room maternity care, labor, or delivery, and without traversing any obstacles. In determining the accessibility of the delivery room the Department will consider factors such as traffic patterns, corridor width, corridor width changes, and number of turns.
- iv) The medical staff of the hospital has approved the use of the rooms for single room maternity care based on their medical judgment that such care can be provided safely within the rooms.
- D) For purposes of this subsection (g), clear area shall include only useable space within the room and shall not include entry or vestibule areas, space required for door swings, or space for fixed, immovable furniture. The bathroom shall not be included in calculating the clear area of the room.

These revisions in Section 250.1870(g)(2) incorporate the following changes:

1. The distinction between new construction and conversion of current rooms was eliminated.
2. A provision which "grandfathers" current birthing rooms was added as subsection (g)(2)(B). This change assists in consolidating the requirements for birthing rooms and other types of single room maternity care.
3. A provision which allows smaller room sizes under certain specified conditions was added as subsection (g)(2)(C).



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4. The definition of "clear area" was redesignated as subsection (g)(2)(D).

Two additional substantive changes were made in the text of these proposed amendments in response to the public comments:

1. In Section 250.1870(e)(1), the reference to the staffing requirements in Section 250.1830(f) was eliminated. This change allows single room maternity care programs to utilize more flexible staffing patterns. This provision still requires adequate staff to meet the nursing needs of the patients.
2. In Section 250.1870(g)(8), the reference to "obstetric areas" was changed to "patient rooms" and the reference to Section 250.2480(e)(11) was changed to Section 250.2480(e)(8). This change clarifies the mechanical requirements which apply to rooms used for single room maternity care.

Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

These amendments to the hospital licensing rules provide specific requirements for a recent innovation in the delivery of maternity care in Illinois hospitals. An increasing number of hospitals are implementing, or considering the possibility of implementing, single room maternity care programs. These amendments were developed by the Department in consultation with the Hospital Licensing Board and with other interested persons, including hospitals, physicians, nurses, and architects.

The single room maternity care concept involves the consolidation of labor, delivery, recovery, and postpartum functions. Rooming-in of the infant is usually included in the single room maternity program. Use of

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this concept reduces the number of times a mother is moved from room to room within the hospital. It has been shown to be beneficial for patient care and has been well-received by patients and physicians.

The single room maternity care program expands the birthing room concept to include all levels of childbirth risk, rather than only low risk deliveries. In fact, single room maternity care programs were initially developed as a result of concern about the movement of very high risk mothers. These amendments allow the use of this concept for all levels of childbirth, other than Cesarean deliveries and other deliveries requiring general anesthesia. A general description of the purpose and operation of single room maternity programs is located in proposed Section 250.1870(b).

Prior to the adoption of these amendments, the Department has applied requirements for all of the separate functions which are performed in rooms used for single room maternity care. Therefore, rooms used for single room maternity care have been required to meet the requirements for labor rooms, delivery rooms, recovery rooms, and postpartum rooms. The requirement for 300 square feet of clear area for delivery rooms has been a particularly difficult requirement for these programs to meet. These amendments appropriately reduce and tailor the physical plant and other requirements for these rooms to the specific needs of this program.

The specific provisions of these amendments concern the establishment of a single room maternity room program, the designation of rooms which will be used in the program, staffing and training requirements, visiting policies, physical plant requirements, and equipment requirements. As described in proposed Section 250.1870(1), all of the hospital licensing requirements will continue to apply to these programs, except for the specific exceptions and modifications which are contained in these amendments.

Determining the appropriate minimum square footage in rooms used for single room maternity care was particularly difficult for the Department. The proposed amendments would have required 250 square feet of clear area for newly constructed maternity units which utilize single room maternity care, but also allowed the conversion of current rooms to single room maternity care if they contain at least 220 square feet of clear area. The adopted amendments allow rooms with as little as 180 square feet of clear area under certain specified conditions. The Department believes that these provisions provide appropriate protection for patients without imposing unnecessary restrictions on hospitals.

These amendments will have an economic effect on some hospitals. The size of existing rooms in a specific hospital and the decision of the hospital to implement a single room maternity care program will be key factors in determining the extent of the economic effect. Other factors affecting



the extent of the economic effect will include the volume of births, the availability of physicians, the preferences of patients and physicians, and the extent and nature of competition with other hospitals for maternity services in the specific area in which the hospital is located. The Department believes that the overall economic effect of reducing the currently restrictive requirements for single room maternity care programs will be positive for hospitals.

In addition, in accordance with an agreement with the Joint Committee on Administrative Rules, these amendments add a reference to standards for residency programs in the list of referenced and incorporated materials in Section 250.160(a)(1). These standards for residency programs are referenced in Section 250.315, which was adopted effective February 15, 1990.

16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	Application for and Issuance of an Initial Permit to Establish a Hospital
250.110	
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section	The Governing Board
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AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill. Rev. Stat. 1989 ~~1987~~, ch. 111 1/2, par. 142 et seq.)

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## SOURCE:

Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990.

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL

## Section 250.160 Incorporated and Referenced Materials

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Private and professional association standards:

- A) American Society for Testing and Materials (ASTM), Standard No. E90 (1975): Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Floors and Walls, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. [See Section 250.2420(d)].



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## Section 250.160(a)(1) (continued)

- B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Standard No. 52-68 (1968): Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matter, which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017. [See Section 250.2660(b)(2)(F)].
- C) The Compressed Gas Association (CGA), Pamphlet P-2.1 (1970): Standard for Medical-Surgical Vacuum Systems in Hospitals, which may be obtained from the Compressed Gas Association, 500 Fifth Avenue, New York, New York 10036. [See Section 250.2490(g) and (h)].
- D) National Fire Protection Association (NFPA), Standard No. 101 (1981): Life Safety Code [See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490] and the following standards, which may be obtained from the National Fire Protection Association, Batterymarch Park, Massachusetts 02269.
- i) No. 10 (1978): Installation of Portable Fire Extinguishers. [See Section 250.1980(i)].
  - ii) No. 13 (1980): Sprinkler Systems. [See Sections 250.2490(k) and 250.2670(h)(1)].
  - iii) No. 13A (1980): Sprinkler Systems Maintenance. [See Sections 250.2490(k) and 250.2670(h)(1)].
  - iv) No. 14 (1980): Standpipe and Hose Systems. [See Sections 250.2490(k)(2) and 250.2670(h)(2)].
  - v) No. 30 (1981): Flammable and Combustible Liquids Code. [See Section 250.1980(d)].
  - vi) No. 56A (1978): Inhalation Anesthetics. [See Sections 250.1410(i), 250.1980(d), and 250.2460(c)].
  - vii) No. 56F (1977): Non-flammable Medical Gases Systems. [See Sections 250.1410(i), 250.1980(d), and 250.2490(f)].
  - viii) No. 70 (1984): National Electrical Code. [See Sections 250.2440 and 250.2500].

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## Section 250.160(a)(1)(D) (continued)

- ix) No. 80 (1979): Fire Doors and Windows. [See Section 250.2450(i)].
  - x) No. 82 (1977): Incinerators and Rubbish Handling. [See Section 250.2440(m)(8)].
  - xi) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems. [See Section 250.2660(b)(2)].
  - xii) No. 96 (1980): Vapor Removal Cooking. [See Section 250.2660(b)(2)(M)].
  - xiii) No. 220 (1979): Standard Types of Building Construction. [See Sections 250.2470(c)(3) and 250.2620(b)].
  - xiv) No. 701 (1977): Fire Tests for Flame-Resistant Textiles and Films. [See Sections 250.2460(a) and 250.2650(a)].
- E) American Academy of Pediatrics, "Standards and Recommendations for Hospital Care for Newborn Infants." (1985), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Road, Elk Grove Village, Illinois 60607. [See Section 250.1820].
- F) American College of Obstetricians and Gynecologists, Standards for Obstetric-Gynecologic Services, Seventh Edition (1989 ~~1985~~) and Manual of Standards (1985), which may be obtained from the American College of Obstetricians and Gynecologists, 600 Maryland Avenue SW, Suite 300 East, Washington, D.C. 20024. [See Section 250.1820].
- G) National Council on Radiation Protection (NCRP), Report No. 33: Medical X-ray and Gamma Ray Protection for Energies up to 10 MeV Equipment Design and Use (1968), and Report No. 49: Medical X-ray and Gamma Ray Protection for Energies up to 10 MeV Structural Shielding Design and Evaluation (1976), which may be obtained from the National Council on Radiation Protection and Measurement, P.O. Box 30175, Washington, D.C. 20014. [See Section 250.2450(t)].
- H) DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained



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## Section 250.160(a)(1)(H) (continued)

from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. [See Section 250.2480(e)].

I) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (1957), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, N.W., Washington, D.C. 20036. [See Section 250.2420(d)].

J) International Conference of Building Officials (ICBO), Uniform Building Code: Volume 1 (1979); which may be obtained from the International Conference of Building Officials, 5360 South Workman Road, Whittier, California 90601. [See Section 250.2420(d)].

K) American Standards Association, Inc., Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968); which may be obtained from the American Standards Association, Inc., East 40th Street, New York, New York 10016. [See Section 250.2420(d)].

L) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1974): Air Ducts; which may be obtained from Underwriters Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611. [See Section 250.2420(d)].

M) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1990), which may be obtained from the Accreditation Council for Graduate Medical Education, 535 North Dearborn Street, Chicago, Illinois 60610. [See Section 250.315(b)].

## 2) Federal Government Publications:

A) Department of Health and Human Services, United States Public Health Service, Center for Disease Control, "Isolation Techniques for Use in Hospitals." [See Section 250.1100(a)].

B) Department of Health and Human Services, Bureau of Quality Assurance, "Federal Proficiency Examination Program for Clinical Laboratory Technologists." [See Section 250.540(b)].

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## Section 250.160(a)(2) (continued)

C) National Bureau of Standards, "Technical Note 708, Appendix II: Test Method for Measuring the Smoke Generation Characteristics of Solid Materials." [See Section 250.2420(d)].

## 3) State of Illinois Statutes:

A) Hospital Licensing Act (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111 1/2, par. 1151 et seq.)

B) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111 1/2, par. 142 et seq.)

C) Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111, par. 4401 et seq.)

D) Podiatric Medical Practice Act of 1987 "~~An Act to regulate the practice of podiatry in Illinois~~" (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111, par. 4901 et seq.)

E) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111, par. 4001 et seq.)

F) Physicians Assistant ~~Physician's Assistants~~ Practice Act of 1987 (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111, par. 4752 et seq.)

G) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111 1/2, par. 622-101 et seq.)

H) "AN ACT ~~An Act~~ concerning the retention for use in litigation of X-ray ~~x-ray~~ or roentgen ~~Roentgen~~ films of the human anatomy" (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111 1/2 par. 157-11 et seq.)

I) "AN ACT ~~An Act~~ to require the registration of radiation installations as herein defined, to authorize the Department of Public Health to investigate and inspect all radiation installations in this State, to provide injunctive relief and penalties for violations of this Act, and to make an appropriation therefor" (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111 1/2, par. 194 et seq.)

J) Safety Glazing Materials Act (Ill. Rev. Stat. 1989 ~~1985~~, ch. 111 1/2, pars. 3101 et seq.)



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## Section 250.160(a)(3) (continued)

- K) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989 ~~1985~~, ch. 91 1/2, pars. 1-100 et seq.)
- 4) State of Illinois Rules:
- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
- B) Department of Public Health, ~~Treatment of~~ Sexual Assault Survivors Emergency Treatment Code ~~Victims~~ (77 Ill. Adm. Code 545).
- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Sanitary Practice for Drinking Water, Sewage Disposal and Restroom Facilities (77 Ill. Adm. Code 895).
- F) Capital Development Board, Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400).
- G) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- H) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations in this Part refer to the regulations or standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 14 Ill. Reg. 13824, effective September 1, 1990)

## SUBPART O: MATERNITY AND NEONATAL SERVICE

## Section 250.1870 Single Room Maternity Care

- a) Hospitals may establish a single room maternity care program in compliance with this Section. The single room maternity care program

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## Section 250.1870(a) (continued)

may include the hospital's entire maternity service or a specific portion of the hospital's maternity service.

## b) General Description

- 1) A single room maternity care program provides labor, delivery, recovery, and postpartum care for a mother in a single room. The combination of functions in a single room is designed to reduce the movement of the mother within the hospital.
- 2) The single room maternity care program must be coordinated with other maternity services of the hospital. Facilities for emergency Cesarean deliveries must be available. Single rooms may be used for all levels of maternity care, other than Cesarean deliveries, based on the hospital's program.
- 3) Rooms used for single room maternity care must include facilities for care of the infant during delivery and immediately after birth. Such rooms may also include facilities for rooming-in care of the infant.

## c) Program Establishment

- 1) The single room maternity service program shall be submitted to the Department as an amendment to the hospital's maternity and neonatal services plan. The amendment shall include all of the policies and procedures for operation of the program which are required by this Section.
- 2) The program shall be approved by the Board of the hospital prior to submission to the Department.
- 3) Architectural plans for any remodeling or changes in room functions which are required for operation of the program shall be submitted to the Department for review as provided in Section 250.2420.
- 4) Any increases or decreases in the number of beds in the hospital's maternity service which occur as a result of the establishment of a single room maternity care program may also require the approval of the Illinois Health Facilities Planning Board. Refer to the rules of the Illinois Health Facilities Planning Board at 77 Ill. Adm. Code 1100 and 1110.
- 5) The hospital shall not implement the program prior to approval of the program and any architectural plans by the Department.



## Section 250.1870 (continued)

- d) Designation of Rooms. The single room maternity care program shall specify the specific rooms which will be used for single room maternity care. These rooms may be used as patient rooms for other maternity patients in the maternity unit at times when they are not being used for single room maternity care.
- e) Staffing Requirements
- 1) The program shall include a staffing plan which meets the nursing needs of the patients.
- 2) The program shall include provisions for specialized orientation and training for nurses and other health care personnel in the operation of the single room maternity care program, including the care of both mothers and infants.
- f) Visiting Requirements. The program shall include specific policies and procedures concerning visiting. These policies and procedures shall include the following:
- 1) A requirement that the consent of the mother and the physician be obtained for each visitor who will be permitted in the room during delivery.
- 2) Provisions for prior orientation and education for visitors who will be permitted in the room during delivery.
- 3) A requirement for gowning and handwashing by all visitors who are present in the room during delivery.
- 4) Provisions for visiting during labor, recovery, and postpartum care of the mother which comply with Section 250.1830(k).
- 5) Provisions for visiting during rooming-in of the infant which comply with Section 250.1850.
- g) Physical Plant Requirements
- 1) Each room used for single room maternity care shall be a single patient room. Rooms for multiple patients are not permitted.
- 2) Minimum Room Sizes
- A) Each room used for single room maternity care shall include a minimum dimension of 12 feet and a minimum clear area of

## Section 250.1870(g)(2)(A) (continued)

- 250 square feet, except as provided in subsections (g)(2)(B) or (g)(2)(C) of this Section.
- B) Rooms which were approved for use as "birthing rooms" by the Department prior to September 1, 1990, may continue to be used for single room maternity care. The hospital must follow the policies and procedures under which the rooms were approved.
- C) Rooms which contain a minimum dimension of 10 feet and a minimum clear area of 180 square feet will be approved by the Department for single room maternity care, when the hospital demonstrates that all of the following conditions are met:
- i) Policies and procedures for assessing the level of risk for each patient, for determining which patients may not utilize single room maternity care, and for referring patients to other facilities have been established and are being followed.
- ii) The hospital participates in a Regional Perinatal Network and has been approved for Level I or Level II care. The hospital does not provide Level III care as described in the Department's rules entitled "Regionalized Perinatal Health Care Code" (77 Ill. Adm. Code 640).
- iii) At least one delivery room with a minimum clear area of not less than 300 square feet is available for more complex deliveries and unanticipated risks. The delivery room must be in the maternity unit, on the same level as the rooms in which single room maternity care is provided, and accessible without passing through any areas used for functions other than single room maternity care, labor, or delivery, and without traversing any obstacles. In determining the accessibility of the delivery room the Department will consider factors such as traffic patterns, corridor width, corridor width changes, and number of turns.
- iv) The medical staff of the hospital has approved the use of the rooms for single room maternity care based on their medical judgment that such care can be provided safely within the rooms.



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## Section 250.1870(g)(2) (continued)

- D) For purposes of this subsection (g), clear area shall include only useable space within the room and shall not include entry or vestibule areas, space required for door swings, or space for fixed, immovable furniture. The bathroom shall not be included in calculating the clear area of the room.
- 3) Staff Handwashing Sink
- A) Each room used for single room maternity care shall have direct access to a handwashing sink for the exclusive purpose of staff handwashing prior to and during the delivery process. The sink may be used for other purposes at other times.
- B) The staff handwashing sink must be adequate in size and appropriately equipped to allow thorough handwashing.
- C) The staff handwashing sink may be located in the room, in the adjacent bathroom (if the bathroom is not shared with another patient room), or directly outside the room.
- 4) Bathroom
- A) Each room used for single room maternity care shall include a bathroom equipped with a toilet and with a shower or bathtub. The bathroom shall also include a sink, unless a sink is located in the patient room.
- B) The bathroom shall be directly accessible from the patient room without going through the corridor.
- C) Bathrooms may be shared by no more than two patient rooms.
- 5) An area for gowning by staff and visitors prior to delivery shall be provided within or immediately adjacent to each room used for single room maternity care.
- 6) Rooms used for postpartum care of the mother shall also comply with the patient room requirements of Section 250.2630(d)(1) or Section 250.2440(d)(1).
- 7) Adequate nursery facilities shall be provided when rooming-in of infants is not utilized, when individual mothers choose not to participate in rooming-in of the infant, and when intermittent

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## Section 250.1870(g)(7) (continued)

- rooming-in of infants is utilized. [See Sections 250.1830(e), 250.1850, 250.2440(h) and 250.2630(h).]
- 8) Each room used for single room maternity care shall also comply with the following requirements:
- A) Mechanical requirements for patient rooms in Section 250.2480(e)(8) or Section 250.2660.
- B) Electrical requirements for patient rooms in Section 250.2500 or Section 250.2680.
- 9) Wall, floor, and ceiling finishes shall be cleanable. All finishes shall be able to withstand cleaning and treatment with chemicals and disinfectants.
- h) Equipment Requirements
- 1) All equipment necessary for delivery, for emergency care of the mother, for infant care, and for infant resuscitation shall be available to each room used for single room maternity care.
- 2) A complete set of delivery and infant care equipment shall be provided for every four or fewer rooms used for single room maternity care. For example: if four rooms are used, one complete set of equipment shall be provided; if five to eight rooms are used, two sets of equipment shall be provided; if nine to twelve rooms are used, three sets of equipment shall be provided.
- 3) Equipment may be stored in an equipment alcove or closet in the room, or in a separate equipment storage room. However, the equipment must be accessible for use without passing through another patient room. Each equipment storage area shall be located on the same floor and not more than 75 feet from each of the rooms served by the equipment storage area.
- i) The policies and procedures approved by the Department in the amendment to the hospital's maternity and neonatal services plan shall be followed in the operation of the program. The program shall also be operated in accordance with all other requirements of this Part, unless specifically modified by this Section.

(Source: Added at 14 Ill. Reg. 13824, effective September 1, 1990)



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

1) The Heading of the Part: Double Trifecta Wagering Pool2) Code Citation 11 Ill. Adm. Code 4393) Section Number:

<u>Section Number:</u>	<u>Adopted Action:</u>
439.10	New Section
439.20	New Section
439.30	New Section
439.40	New Section
439.50	New Section
439.60	New Section
439.70	New Section
439.80	New Section
439.90	New Section
439.100	New Section
439.110	New Section
439.120	New Section
439.130	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)5) Effective Date of Rules: August 14, 19906) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporation by reference? No.8) Date filed in Agency's Principal Office: August 14, 19909) Notice of Proposal Published in Illinois Register:

14 Ill. Reg. 5751 - April 20, 1990

10) Has JCAR issued a Statement of Objections to this rule?  
No.

11) Differences between proposal and final version: The citations in the Authority note were update to the 1989 edition of the Illinois Revised Statutes. Section 439.20 was amended to state: "All double trifecta wagers will be calculated in a pool which is separate from any other wagering pool." Section 439.60 was modified to state: "The general manager with the consent of the Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting whenever he/she determines that to do so is in the best interest of the public (e.g., bad weather forcing cancellation of races)." Section 439.80(a) was modified to state: "If any horse or horses entered in any of the double trifecta races

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are scratched, or excused by the stewards, before the first race of the double trifecta is run, all wagers including such horse or horses shall be deducted from the double trifecta pool and the money refunded to the purchaser or purchasers. Section 439.130 was modified to state:

"Section 439.130 Trifecta Rules - All Trifecta rules apply (11 Ill. Adm. Code 409)." To delete "of" from between "be" and "any" in Section 439.60 in the fourth sentence. To include "the" between "of" and "Executive Director" in the sixth sentence in Section 439.60. Capitalization of "p" to state "Board" in Sections 439.90 and 439.100.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, see attached.13) Will these amendments replace emergency amendments currently in effect? No.14) Are there any other proposed amendments pending in this Part? No.15) Summary and purpose of rules: This rulemaking establishes the guidelines for the operation of a new wagering pool whereby the patron must pick the top 3 finishers in 2 designated races. The rulemaking provides for a carryover pool and contains provision for mandatory distribution.16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board  
Legal Department  
State of Illinois Center  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER b: GENERAL RULES

PART 439  
DOUBLE TRIFECTA WAGERING POOL

Section	Definition
439.10	Separate Pool
439.20	Entries and Fields Prohibited
439.30	Dead Heats
439.40	Pool Calculations
439.50	Mandatory Distribution
439.60	One or Two Races Cancelled
439.70	Refunds
439.80	Sale of Tickets
439.90	Name and Notice
439.100	Only One Double Trifecta Per Program
439.110	Disclosure
439.120	Trifecta Rules
439.130	

AUTHORITY: Implementing and authorized by Sections 9(a),(n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, pars. 37-9(a),(n)).

SOURCE: Adopted at 14 Ill. Reg. 13847, effective August 14, 1990.)

Section 439.10 Definition

A double trifecta wager combines three horses in each of two races, selecting the horses that will finish first, second and third in each race, in the official order of finish on a single ticket.

Section 439.20 Separate Pool

All double trifecta wagers will be calculated in a pool which is separate from any other wagering pool.

Section 439.30 Entries and Fields Prohibited

Entries and fields are prohibited in double trifecta races.

Section 439.40 Dead Heats

- a) In the case of a dead heat for first, the winning combinations shall include the first two horses as finishing in either the first or second position and the horse finishing third in each of the double

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trifecta races.

- b) In case of a dead heat to place, the winning combinations shall be the horse finishing first and the two horses finishing in a dead heat for place, as finishing in either the second or third position in each of the double trifecta races.
- c) In case of a dead heat for third, the winning combinations shall be the horse finishing first, the horse second, and the two horses finishing in either the third or fourth positions in each of the double trifecta races.
- d) In all instances of dead heats, the winning combinations shall be paid equally.

Section 439.50 Pool Calculations

- a) The net amount in the double trifecta pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the official winners of the double trifecta races.
- b) If no ticket is sold that would require distribution of the double trifecta pool to a winner under this directive, then the net pool shall be carried forward as the carry-over and shall be added to the net pool on the next double trifecta wager.

Section 439.60 Mandatory Distribution

At the last program of a meeting or the last program during consecutive race meetings of the same type of racing at the same race track, a mandatory distribution shall be declared by the organization licensee and shall be advertised to the public. When a mandatory distribution is required, all of the jackpot shall be distributed even if no ticket combines the exact winning combination. In this case, the winning tickets shall be those combining the most finishers in the winning combination. For example, if the exact winning combination is 1-2-3/1-2-3 but no such combination is sold, the winners shall be any 5 of the 6, etc. If neither leg is contested the pool shall be distributed equally to all double trifecta tickets for that day. The general manager with the consent of the Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting whenever he/she determines that to do so is in the best interest of the public (e.g., bad weather forcing cancellation of races).

Section 439.70 One or Two Races Cancelled

If one or both double trifecta races are cancelled, all double trifecta tickets for that program shall be refunded and the double trifecta cancelled. The accumulated carry-over pool shall be carried over to the next racing day. This Section shall not apply in the case of a mandatory distribution.

Section 439.80 Refunds

- a) If any horse or horses entered in any of the double trifecta races are



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scratched, or excused by the stewards, before the first race of the double trifecta is run, all wagers including such horse or horses shall be deducted from the double trifecta pool and the money refunded to the purchaser or purchasers. Any ticket not refunded by post time of the first double trifecta race shall be placed in the consolation pool as set forth in Section 439.80(b).

- b) After the first race of the double trifecta races has been run, if any horse or horses are scratched, excused by the stewards, or prevented from racing because of the failure of the stall doors of the starting gate to open or which is otherwise determined to be a non-starter in the race for which selected, the value of that ticket shall be withdrawn from the double trifecta pool. The total net value of all such withdrawn tickets shall be distributed equally as a consolation among holders of withdrawn double trifecta tickets which have the next higher total of winning and scratched selections, including at least one winner. However, if such ticket is entitled to participate in the mandatory distribution double trifecta pool outlined above, it will not be withdrawn from that pool. If there are no consolation winners, the net double trifecta pool is not affected.

**Section 439.90 Sale of Tickets**

No double trifecta ticket shall be sold, exchanged, or cancelled after the close of wagering on the first of the double trifecta races. The double trifecta will be subject to the Board conditions for trifecta races.

**Section 439.100 Name and Notice**

The organization licensee may give a different name to the double trifecta form of wagering but shall notify the Board of such choice of names. Each of the double trifecta races shall be clearly designated in the program. Double trifecta tickets shall be clearly marked to indicate the type of wager.

**Section 439.110 Only One Double Trifecta Per Program**

An organization licensee may offer only one double trifecta wager per racing program.

**Section 439.120 Disclosure**

No person shall disclose the number of double trifecta tickets sold or the number or amount of tickets selecting winners of the double trifecta races prior to the time the stewards have determined the last race comprising the double trifecta each day to be official.

**Section 439.130 Trifecta Rules**

All Trifecta rules apply (11 Ill. Adm. Code 409).

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 551
- 3) Section numbers: 551.40  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, par. 201 et seq.
- 5) Effective Date of Amendment: August 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 15, 1990
- 9) Notice of Proposal Published in Illinois Register: N/A
- 10) Has JCAR issued a Statement of Objections to these amendments? N/A
- 11) Differences between proposal and final version:

1. Updated the Authority section.

2. In Section 551.40(b) deleted the words "Main Reading Room of the State Library, third floor, Centennial Building, City of Springfield, or at 188 West Randolph Street" and added in its place "Reference Reading Room of the State Library, 300 South Second Street, second floor, City of Springfield, or at the State of Illinois Center, 100 West Randolph Street,".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

- 13) Will these amendments replace an emergency rule amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: We are adopting the amendment to reflect the address changes for the Illinois State Library and the State of Illinois Center.



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe  
Counsel to the Secretary  
298 Centennial Building  
Springfield, Illinois 62706  
(217)785-3094

The full text of the Adopted Amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER III: SECRETARY OF STATE

PART 551  
FREEDOM OF INFORMATION

## SUBPART A: SUMMARY AND PURPOSE

Section	Summary and Purpose
551.10	Definitions
551.20	Principal Office
551.30	Availability of Records
551.40	

## SUBPART B: REQUEST PROCEDURES

Section	Request Procedures
551.110	Inspection of Records at Department Offices
551.120	Notice of Denial
551.130	Requests
551.140	Appeal Procedure to Secretary of State
551.150	Fees

## Appendix A FREEDOM OF INFORMATION REQUEST FORM

AUTHORITY: Implementing and authorized by the Freedom of Information Act (Ill. Rev. Stat. 1987 1989, ch. 116, par. 201 et seq.).

SOURCE: Adopted at 8 Ill. Reg. 10045, effective July 1, 1984; amended at 12 Ill. Reg. 19515, effective November 7, 1988, amended at 14 Ill. Reg. 13852, effective August 15, 1990.

## Section 551.40 Availability of Records

- a) Records of the Secretary of State's Office, its departments, committees, and subdivisions, unless otherwise exempt pursuant to statute, shall be available for inspection in the City of Springfield between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except during official State holidays.
- b) Records will be inspected in the Main-Reading-Room-of-the-State Library,-third-floor,-Centennial-Building,-City-of-Springfield,-or-at 188-West-Randolph-Street Reference Reading Room of the Illinois State Library, 300 South Second Street, second floor, City of Springfield, or at the State of Illinois Center, 100 West Randolph Street, fifth floor, City of Chicago, unless the Secretary of State



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

or a Department Director who has custody of the required record determines that the bulk, daily government use, size, nature, or computerization of a record requires the requestor to inspect the record within the Department maintaining the record.

(Source: Amended at 14 Ill. Reg. 13852, effective August 15, 1990

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation: 77 Ill. Adm. Code 5403) Section Numbers:

540.35

540.210

Emergency Action:

New Section

New Section

4) Statutory Authority:

Emergency Medical Services (EMS) Systems Act

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 5501 et seq., as amended by P.A. 86-1136, effective July 13, 1990.

5) Effective Date of Rule(s):

August 13, 1990

6) If the Emergency Amendments are to Expire Before the End of the 150-day Period, Please Specify the Date on Which it is to Expire:

Upon the adoption of the general rulemaking.

7) Date Filed in Agency's Principal Office:

August 13, 1990

8) Reason for Emergency:

P.A. 86-1136 specifies that the Department must utilize emergency rulemaking procedures to promulgate the standards for a grant program to Level I Trauma Centers. P.A. 86-1136 also provides that all the Level I Trauma Centers designated by the State may participate in this grant program and mandates the delegation of authority to designate trauma centers under the Act to the City of Chicago. With this delegation, the Illinois General Assembly intended for the Level I Trauma Centers in Chicago to be included in the grant program. Therefore, in order to properly and effectively implement this grant program the standards for the grant program and the delegation of authority are established by this emergency rule.

9) A Complete Description of the Subjects and Issues Involved:

The Illinois Trauma Center Code includes rules for the designation of Level I and Level II Trauma Centers. These emergency and proposed changes



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## NOTICE OF EMERGENCY AMENDMENTS

to these rules set further the policies for the delegation of authority to implement the Trauma Center designation program and provide grants to Level I Trauma Centers.

The Illinois General Assembly enacted and Governor signed into law Public Act 86-1136 authorizing the Department to award grants to Level I Trauma Centers based need. Accordingly, the Department proposes a formula where key indicators of need are the proportion of statewide Medicaid and uninsured trauma patients served. Trauma patients are defined as patients admitted to Level I Trauma services with an Injury Severity Score (ISS) score of 9 or above. There is substantial support in medical literature for the selection of 9 as an ISS score differentiating less severe injuries from more severe trauma cases requiring significant trauma care resources.

The needs of regional trauma systems are a critical element of Illinois' trauma policy. The Department's trauma program seeks to prevent duplication of costly trauma services within a given area and to encourage an appropriate size for trauma systems given the needs and volume generated by an area's population.

The Department's twofold objective, then, is to specifically address the complicated financial pressures faced by Level I Trauma Centers and to build into the methodology sufficient flexibility to allow for system development in regional areas with high need. The Department has considered several different approaches to distributing the trauma grant money, ranging from an equal division of the money among all trauma centers to the Department accepting competitive applications for a portion of the total.

Several key indicators of need are, however, in the Department's view essential elements of a methodology. They are (1) the volume of Medicaid and uninsured trauma patients seen at Level I Trauma Centers, (2) an ISS threshold that assures that the cases considered represent true trauma patients, (3) Trauma Centers with financial problems above and beyond the norm and (4) regional trauma system development issues. These considerations have led us to develop a methodology that has both quantitative and qualitative components. The Department presents here a methodology we believe is fair and workable and meets our statewide policy objectives.

Allocation of grant money on a regional basis is the necessary first step in light of the need to develop and maintain regional trauma systems. The regional allocation is calculated using as its basis the percentage of statewide Medicaid and uninsured trauma patients served in that region. Although important conceptually in defining areas of need, trauma regions themselves will not be grant recipients. The methodology does assure, however, that each region with a Level I Trauma Center will have at least one hospital that will receive \$50,000, a policy which supports regional

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trauma systems.

Once the statewide appropriation is divided into regional allocations, then actual grants from the Department to individual hospitals within regions will occur. This step will be accomplished in two ways. The regional allocation will be divided into two equal portions. The first half will be allocated to individual hospitals based on the percentage of regional Medicaid and uninsured trauma patients served in that hospital. This quantitative need-based approach used for half of the allocation is sensitive to the actual financial pressures experienced in providing trauma care and rewards centers with high volumes of low income patients.

The method for disbursing the second half of the regional allocation provides a more flexible approach in considering qualitative information. The draft rule specifies a Department review of proposals from Level I Trauma Centers documenting problems related to individual hospital volume, special needs within a trauma region and an assessment of unique financial hardships faced by an individual hospital. This method of distribution of the second half of the regional allocation to individual trauma centers can serve to bolster the viability of a regional trauma system, a purpose which is well within the intent of the statute.

In summary, the Department is satisfied that this methodology effectively combines a needs-based allocation that is sensitive to the additional financial responsibilities assumed by Trauma Centers and a more discretionary allocation that allows the Department to respond to special needs and circumstances within evolving trauma systems.

Section 540.35 has been added to set forth the statutory mandate of the delegation of authority to implement the Trauma Center designation program under the Act and this Part to local health departments, performance criteria for such a delegation and the standards for revocation of the delegation. Section 540.210 has been added to set forth the above described methodology.

The economic effect of this proposed rulemaking is unknown. However, the Level I Trauma Centers which receive grants should be positively affected. The Department anticipates that this proposed rulemaking will become effective within 150 days from August 13, 1990.

## 10) Are there any proposed amendments to this Part Pending?

Section Numbers	Proposed Action	Ill. Reg. Citation
540.65	New Section	14 Ill. Reg. 10665
540.90	Amendments	14 Ill. Reg. 10665
540.100		14 Ill. Reg. 10665
540.200	New Section	14 Ill. Reg. 10665



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11) Statement of Statewide Policy Objectives:

The proposed rulemaking will affect local health departments which had established trauma systems pursuant to local ordinances passed prior to January 1, 1990 (City of Chicago) and hospitals designated as Level I Trauma Centers which are owned by units of local government.

12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Robert John Kane, 525 West Jefferson, Fifth Floor, Springfield, Illinois 62761.

Time, Place, and Manner in which Interested Persons May Comment on the Identical General Rulemaking to Replace These Emergency Amendments After 150 days:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

Date, Time and Location of Public Hearing:

10:00 A.M.  
September 6, 1990  
Illinois Hospital Association

The Center for Health Affairs  
1151 East Warrenville Road  
Naperville, Illinois 60540

Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

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1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

The full text of the Emergency Amendments begins on the next page:



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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER F: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETYPART 540  
ILLINOIS TRAUMA CENTER CODE

Section	Purpose and Applicability
540.10	Definitions
540.20	Incorporated Materials
540.30	Trauma Center Designation Delegation to Local Health Departments
540.35	EMERGENCY
540.40	Trauma Region Designation
540.50	Trauma Center Designation
540.60	Application Process
540.70	Level I Trauma Center Designation Criteria
540.80	Level II Trauma Center Designation Criteria
540.90	Trauma Region Plan
540.100	Uniform Reporting Requirements
540.110	Term of Designation
540.120	Renewal of Designation
540.130	Inspections and Investigations
540.140	Denial of Application for Designation or Request for Renewal
540.150	Voluntary Termination of Designation
540.160	Compensatory Provisions and Shortage Areas
540.170	Misrepresentation
540.180	Failure to Develop Protocols
540.190	Confidentiality and Immunity
540.210	Level I Trauma Center Grants
EMERGENCY	
Appendix A	Request for Designation (RFD) Trauma Center

AUTHORITY: Implementing and authorized by Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 5501 et seq., as amended by P.A. 86-1136, effective July 13, 1990).

SOURCE: Adopted at 11 Ill. Reg. 20153, effective December 1, 1987; amended at 13 Ill. Reg. 15441, effective September 15, 1989; emergency amendment at 14 Ill. Reg. 13856, effective August 13, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 540.35 Trauma Center Designation Delegation to Local Health Departments  
EMERGENCY

- a) Delegation of Authority to Implement Trauma Center Designation Program.

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THE DEPARTMENT SHALL DELEGATE AUTHORITY TO LOCAL HEALTH DEPARTMENTS WHICH HAD ESTABLISHED TRAUMA SYSTEMS PURSUANT TO LOCAL ORDINANCES PASSED PRIOR TO JANUARY 1, 1990. (Section 29.1 of the Act)

b) Monitoring Delegation.

THE DEPARTMENT SHALL MONITOR THE PERFORMANCE OF LOCAL HEALTH DEPARTMENTS WITH AUTHORITY DELEGATED UNDER SECTION 29.1 of the Act BASED UPON the following PERFORMANCE CRITERIA: (Section 29.1 of the Act)

- 1) The local health department shall enforce the Act and this Part, consistent with the authority delegated under Section 29.1 of the Act.
  - 2) The local health department shall designate Trauma Centers consistent with the provisions of the Act and this Part.
  - 3) Upon notification of a Trauma Center's failure to submit Trauma Registry data to the Department in accordance with Section 540.100, the local health department shall take steps to enforce this requirement within 10 working days.
  - 4) The local health department shall submit to the Department a copy of the approved Trauma Region Plan required under Section 540.90 at least 30 days prior to implementation.
  - 5) The local health department shall submit a Quarterly Report to the Department specifying all activities conducted under the delegated authority in accordance with the requirements of the Act and this Part.
  - 6) The local health department shall submit to the Department copies of all complaints within 2 working days of receipt and copies of all final investigation reports within 10 working days of the completion of the investigation.
  - 7) The local health department shall submit to the Department copies of quarterly Trauma Center medical audits required by Section 540.70(i).
- c) Revocation of Delegation.
- 1) The Department shall revoke authority delegated under this Section FOR SUBSTANTIAL NON-COMPLIANCE WITH the performance criteria specified in subsection (b). SUBSTANTIAL NON-COMPLIANCE, for the purpose of this Section, means the failure to meet requirements other than a variance from the strict and literal performance which results in unimportant



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## NOTICE OF EMERGENCY AMENDMENTS

ommissions or defects given the particular circumstances involved. (Section 29.1 of the Act)

- 2) NOTICE OF THE REVOCATION SHALL BE SERVED UPON THE LOCAL HEALTH DEPARTMENT BY CERTIFIED MAIL STATING THE REASONS FOR REVOCATION AND OFFERING AN OPPORTUNITY FOR AN ADMINISTRATIVE HEARING TO CONTEST THE REVOCATION. (Section 29.1 of the Act)
- 3) THE REQUEST FOR A HEARING MUST BE RECEIVED BY THE DEPARTMENT WITHIN 10 WORKING DAYS OF THE LOCAL HEALTH DEPARTMENT'S RECEIPT OF NOTIFICATION. (Section 29.1 of the Act)
- 4) All administrative hearings shall be conducted in accordance with the Department's administrative hearing rules entitled "Rules of Practice and Procedure for Administrative Hearings" (77 Ill. Adm. Code 100).
- d) Voluntary Termination of Delegation. UPON 60 DAYS WRITTEN NOTIFICATION TO THE DIRECTOR OF THE DEPARTMENT, THE DIRECTOR OF ANY LOCAL HEALTH DEPARTMENT WITH DELEGATED AUTHORITY MAY RELINQUISH THAT AUTHORITY. (Section 29.1 of the Act)

(Source: Emergency rule added at 14 Ill. Reg. 13856, effective August 13, 1990, for a maximum of 150 days)

#### Section 540.210 Level I Trauma Center Grants EMERGENCY

THE DEPARTMENT OF PUBLIC HEALTH MAY MAKE GRANTS TO HOSPITALS MEETING THE CRITERIA FOR AND DESIGNATED AS LEVEL I TRAUMA CENTERS BASED ON NEED. (Section 27.2 of the Act). Because of their unique contributions to patient care, the trauma centers of Illinois are a very valuable resource to the citizens of the State of Illinois. Due to the special responsibilities of Level I Trauma Centers within regional trauma systems, Level I Trauma Centers experience additional financial costs. The Department of Public Health acknowledges that these additional costs exist and will make grants to Level I Trauma Centers based upon need as reflected in the grant funding methodology set forth in this Section. The purpose of the grants described in this Part is to assist Level I Trauma Centers in carrying out their responsibilities within regional trauma systems.

- a) Each applicant Level I Trauma Center must submit an application by the application date set by the Department on forms provided by the Department which shall include the following:
  - 1) The name, address and person responsible for carrying out the provisions of a grant under this program.

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- 2) A brief description of the reasons the grant is being requested including a specific explanation of the hospital's financial situation as it relates to the operation of a Level I Trauma Center.
- 3) Any financial statements or any other documentation to support a financial need related to the funding formula set forth in this Section.
- b) Criteria for Level I Trauma Center Grants.
 

Level I Trauma Center Grants shall be awarded using the following formula which first allocates the appropriated funds by Trauma Region and then within a Trauma Region divides the funds for individual Level I Trauma Centers. The formula shall be implemented using Illinois Trauma Registry data for the most recently available two quarters or estimated trauma data using existing sources of data such as individual trauma centers, hospitals or the Illinois Health Care Cost Containment Council when the Illinois Trauma Registry data is not available. For the purpose of this Section, Trauma Region shall mean the Trauma Regions established by the Department in which Level I Trauma Centers are located and Trauma cases are those which represent patients admitted to a Trauma service with an Injury Severity Score (ISS) of 9.0 or above.

- 1) The appropriated funds shall be allocated by Trauma Region utilizing the following formula for proportional division by Trauma Region: The total number of Medicaid Trauma Cases plus the total number of Uninsured Trauma Cases at the Level I Trauma Centers in a Trauma Region divided by the total number of Medicaid Trauma Cases plus the total number of Uninsured Trauma Cases at the Level I Trauma Centers in the State. The resulting portion is multiplied by the amount of money available.
- 2) In determining the division of the appropriated funds allocated by Trauma Region in accordance with subsection (b)(1) to individual Level I Trauma Centers, the Department will divide the available funds in two portions which shall be allocated in accordance with the following two part funding formula:
  - A) The first portion shall be at least one-half the amount available for that region and shall be awarded to individual hospitals based upon the multiplication of the available funds by the total number of Medicaid Trauma Cases plus the total number of Uninsured Trauma Cases at individual Level I Trauma Centers in the Trauma Region divided by the total number of Medicaid Trauma Cases plus the total number of Uninsured Trauma Cases at the Level I Trauma Centers in the Trauma Region.



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- B) The second portion shall be no more than one-half the amount available for that region and shall be awarded to individual hospitals based upon consideration of the following criteria:

- i) Medicaid Trauma Cases plus Uninsured Trauma Cases of specific Level I Trauma Centers divided by the Total Number of Trauma Cases at the specific Level I Trauma Center.
- ii) Trauma Region needs for continuing and additional services based upon an assessment of any documentation submitted including recommendations from regional planning bodies and local health departments.
- iii) Extreme financial hardship based upon an assessment of any documentation submitted, such as financial statements, a description of financial pressures because of volume and severity, description of financial effect of the Level I designation and any study of Level I trauma costs.
- C) Grants shall be awarded from each portion of the appropriated funds according to the formulas set forth in subsections (b)(2)(A) and (B). In each Trauma Region, this formula shall result in a least one Level I Trauma Center receiving a grant of \$50,000.

## c) Grant Period

The Department will conduct one grant period for these grants with the available funds which shall commence on a specified date each year. All applications shall be due on the date set by the Department. Notification of the grant awards shall take place within 4 to 6 weeks of the application deadline.

## d) Grant Requirements.

All grantees shall enter into a grant agreement with the Department. This grant agreement shall include the grantee's assurances that the grantee will maintain its designation as a Level I Trauma Center for the grant period and submit the Trauma Registry data required under Section 540.100 directly to the Department. Any grantee that fails to maintain its designation or submit the Trauma Registry data required under Section 540.100 shall refund all funds granted for that grant period.

(Source: Emergency rule added at 14 Ill. Reg. 13856, effective August 13, 1990, for a maximum of 150 days)

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## DEPARTMENT OF LABOR

## NOTICE OF MODIFICATION

## TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Prevailing Wage Hearing Procedures
- 2) Code Citation: 56 Ill. Adm. Code 100
- 3) Section Numbers: 100.22; 100.24      Action: Modification
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):  
January 12, 1990      14 Ill. Reg. 536  
 (issue date)
- 5) Date JCAR Statement of Objection Published in the Register:  
June 22, 1990      14 Ill. Reg. 10126  
 (issue date)
- 6) Summary of Action Taken by the Agency:

Added e) and f) to Section 100.22 defining "Determination" and "Notice of Violation"; and set out in Section 100.24 the methods the Director will utilize to determine if a violation has occurred.



NOTICE OF REFUSAL  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULES

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

Section Numbers:	Action:
112.70	Refusal
112.71	Refusal
112.72	Refusal
112.74	Refusal
112.76	Refusal
112.77	Refusal
112.78	Refusal
112.79	Refusal
112.80	Refusal
112.82	Refusal
112.83	Refusal
112.308	Refusal
112.350	Refusal
112.352	Refusal
112.354	Refusal
112.356	Refusal
112.358	Refusal
112.362	Refusal
112.364	Refusal
112.366	Refusal
112.400	Refusal
112.404	Refusal
112.406	Refusal
112.408	Refusal
112.410	Refusal
112.412	Refusal
112.414	Refusal
112.416	Refusal
112.418	Refusal

4) Date Notice of Proposed Amendments Published in the Register:

89 Ill. Adm. Code 112.70 thru 112.82

January 19, 1990 (14 Ill. Reg. 1123

89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

NOTICE OF REFUSAL  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULES

January 19, 1990 (14 Ill. Reg. 1123)

5) Date JCAR Statement of Objection Published in the Register:

(14 Ill. Reg. )

6) Summary of Action Taken by the Agency:

89 Ill. Adm. Code 112.70 thru 112.82

Response to Objection 1:

The Department admits that the JOBS program was implemented April 2, 1990, prior to completion of these rules. The Department also admits that the content of the JOBS program as implemented in some ways "anticipated" the law which was passed in the General Assembly this last session. However, as this has already happened, no changes in the rules shall be made.

Response to Objection 2:

The Department's rules indicate that each client will be assessed individually and shall be placed or not placed into various components based on the individual factors in each case as determined by that individual assessment. The Department has no further standards to place in the rules at this time.

Response to Objection 3:

The Department's rules indicate that each client will be assessed individually and shall be placed or not placed into various components based on the individual factors in each case as determined by that individual assessment. The Department has no further standards to place in the rules at this time.

Response to Objection 4:

The Department's rules indicate that each client will be assessed individually and shall be placed or not placed into various components based on the individual factors in each case as determined by that individual assessment. The Department has no further standards to place in the rules at this time.



## DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULESResponse to Objection 5:

The Department's rules indicate that each client will be assessed individually and shall be placed or not placed into various components based on the individual factors in each case as determined by that individual assessment. The Department has no further standards to place in the rules at this time.

Response to Objection 6:

This objection was based on a lack of communication in developing the Second Notice. The Department has of course considered the economic and budgetary effects of this rulemaking during the regular budgetary process. This was not communicated well to Joint Committee staff during the Second Notice process. There is, however, no need to make any changes to the rules based on this objection.

89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

Response to Objection:

The Joint Committee has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418 on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

This rulemaking implements Sections 301 and 302 of the Family Support Act of 1988 (Pub. Law 100-485) which guarantees child care for persons receiving AFDC benefits who are in approved educational and training activities and for those who are working. Additionally, this rulemaking guarantees child care for twelve months for certain individuals who have lost AFDC eligibility due to increased earnings, increased hours of work or due to the loss of the earned income disregard.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of

## DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULES

Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.



Heading of the Part for which proposed rulemaking is being corrected:

The Administration and Operation of the Teachers' Retirement System

Code Citation:

80 Ill. Adm. Code 1650

Illinois Register citation to Notice of Proposed Rules:

14 Ill. Reg. 11742: July 20, 1990

Section being Corrected:

1650.340(c)

Correction being made:

The proposed amendment reads:

For purposes of this section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its approve the request for leave.

The corrected proposed amendment reads:

For purposes of this section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its board took official action to approve the request for leave.

1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) Register Citation to Notice of Proposed Amendments:

This issue of the Illinois Register.

4) Date, Time and Location of Public Hearing:

10:00 A.M.  
September 6, 1990  
Illinois Hospital Association  
The Center for Health Affairs  
1151 East Warrenville Road  
Naperville, Illinois 60540

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane  
Administrative Rules Coordinator  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: Ill. Rev. Stat. 1989, ch. 127, par. 2001  
(Public Act 82-727, effective November 12, 1981)

## 2. Summary of information:

Index of Department of Revenue Sales and Excise Tax letter rulings issued for the Second Quarter of 1990.

The complete list for the Second Quarter of 1990 is as follows:

The ruling letters are listed numerically with a brief synopsis and then indexed by subject area.

Sales and Excise Tax subject headings are as follows:

Agents	Itinerant Vendors
Agricultural Producers & Products	Leasing
Assessments	Liquor Tax
Auto Renting Tax	Local Taxes
Bingo	Mandatory Service Charges
Books and Records	Manufacturers
Bulk Sales	Manufacturing Machinery and Equipment
C.O.A.D.	Miscellaneous
Certificate of Registration	Motor Fuel Tax
Cigarette Tax	Motor Vehicles
Claims for Credit	Nexus
Coal Fueled Devices	Non-profit Institutions
Coal Mining Equipment	Occasional Sale
Coins & Precious Metals	Oil Field Equipment
Computer Software	Penalties
Construction Contractors	Pollution Control Facilities
Cooperative Associations	Prepaid Sales Tax
Delivery Charges	Products of Photoprocessing
Distillation Machinery	Property Tax
Enterprise Zones	Public Utility Taxes
Exempt Organizations	Real Estate Transfer Tax
Farm Machinery & Equipment	Repairs
Federal Excise Tax	Replacement Vehicle Tax
Financial Institutions	Returns
Food, Drugs and Medical Appliances	Rolling Stock Exemption
Governmental Bodies	Sale at Retail
Graphic Arts	Sale for Resale
Gross Receipts	Sale of Service
Hotel Operators Tax	Sellers of Newspapers, Magazines, Etc.
Interest	
Interstate Commerce	



## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

(Continued)

Signature  
Special Order  
Statute of Limitations  
Tax Collection  
Tax Increment Financing  
Tax Rate  
Telecommunications Excise Tax  
Temporary Storage  
Trade-Ins  
Use Tax  
Vehicle Use Tax  
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual publication (all four quarters) is available for \$4.50.

3. Name and address of person to contact concerning this information:

Margaret Forth  
Legal Division  
101 West Jefferson Street  
Springfield, Illinois 62708  
Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

## 1990 SECOND QUARTER SUNSHINE INDEX

## AUDITS

90-0198 05-09-90 The Department of Revenue has authority to re-open a completed audit as long as the audit period is within the statute of limitations.

## AUTO RENTING TAX

90-0348 06-22-90 The rental of automobiles under lease terms in excess of one year does not result in Automobile Renting Occupation Tax liability.

## BINGO

90-0283 06-08-90 Electronic bingo game, with features of a lottery, does not qualify for use by bingo licensee.

90-0291 06-13-90 The Bingo License and Tax Act provides that an operator of a bingo game must be a "bona fide member of the sponsoring organization", or a member of an auxiliary organization (Ill. Rev. Stat. 1989, ch. 120, par. 1102).

## CLAIMS FOR CREDIT

90-0161 04-20-90 Claim for credit is available when a supplier repays a retailer tax erroneously collected on a sale for resale.

90-0202 05-11-90 Only the person who actually paid the tax to the Department of Revenue can file a claim for credit.

90-0250 06-04-90 The Retailers' Occupation Tax Act contains no provision for refunding the sales tax paid by a consumer after there has been a settlement from a manufacturer on a "lemon" automobile pursuant to the New-Car Buyer Protection Act.

## COAL MINING EQUIPMENT

90-0207 05-16-90 In a service situation, repairing exempt coal equipment, if the replacement part exceeds \$250 and is separately itemized on the invoice so as to prove it is exempt, such part may be excluded from gross receipts. The \$250 threshold is on the serviceman's selling price.

90-0365 06-28-90 Parts sold by the linear foot are exempt if the cost of the sales transaction exceeds \$250.00.



## DEPARTMENT OF REVENUE

## COMPUTER SOFTWARE

- 90-0185 05-02-90 Sales of custom software programs are sales of intangible personal property. Sales of standard software programs are sales of tangible personal property.
- 90-0196 05-08-90 This letter discusses rules related to canned" software, date of delivery determining appropriate tax rate, and installation, transportation & delivery charges.
- 90-0295 06-14-90 Modification of an existing prewritten program to meet the customer's needs is custom computer programming.
- 90-0344 06-22-90 Modified software is not subject to tax.
- 90-0363 06-28-90 Canned software which is modified to suit a specific individualized need of a particular customer is exempt from Retailers' Occupation Tax. Maintenance agreements where no tangible personal property is transferred result in no Illinois sales tax liability.
- 90-0364 06-28-90 Software which is used by a plant manager to formulate reports to increase plant productivity does not qualify under the Manufacturing Machinery & Equipment Exemption.
- 90-0367 06-28-90 Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted. The transfer of canned software intended for general or repeated use is taxable, including the sale by a retailer of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Custom software is expressly exempted from sales tax liability and therefore there are no sales tax consequences when the custom software is transferred.
- 90-0141 04-05-90 Sales of carpeting to construction contractors are retail sales if the contractors permanently affix (glue) the carpeting to real estate.
- 90-0151 04-16-90 Materials may be purchased exempt from Use Tax liability by contractors who will turn projects over to governmental agencies. 86 Ill. Adm. Code Section 130.2075(e).
- 90-0168 04-25-90 Retailers of carpet & tile which will be permanently affixed, incur Use Tax liability on their cost price of

## DEPARTMENT OF REVENUE

supplies. If carpet is merely "tacked down", seller incurs Retailers' Occupation Tax liability based on total gross receipts.

90-0169 04-25-90 For Illinois sales tax purposes, a construction contractor is deemed to be the end-user of the building materials which he incorporates into real estate and he incurs Use Tax on all such purchases.

90-0174 05-01-90 Sale of water softeners "over-the-counter" result in Retailers' Occupation Tax unless sale and installation are both contracted for, then construction contractor rules apply.

90-0189 05-07-90 Selling of equipment, which is permanently affixed to real estate, is a construction contract situation. Subsequent repairs to that equipment is also a construction contract situation and contractor incurs Use Tax on his cost price of repair parts physically incorporated into the equipment.

90-0224 05-25-90 Under recent administrative rule changes, landscapers will be treated as construction contractors making improvement to real estate.

90-0228 05-29-90 Construction contractors incur Retailers' Occupation Tax when they engage in selling tangible personal property without installation to purchasers for use or consumption.

90-0230 05-29-90 When installation or repair services are rendered upon furnaces or air conditioning units which are affixed to real estate, the contractor does not incur Retailers' Occupation Tax liability as to receipts. Rather, your client will pay Use Tax on his cost price of items purchased for incorporation into real estate.

90-0234 05-30-90 If a carpet seller permanently affixes (glues) carpeting to real estate, a construction contract situation exists. If a carpet seller does no installation or makes a tack-down installation, a retail sale situation exists.

90-0240 05-31-90 Construction contractors purchasing items of tangible personal property for physical incorporation into real estate, are deemed to be the users of those items.

90-0241 05-31-90 Construction contractors purchasing building materials for incorporation into real estate owned by AMTRAK, do incur an Illinois Use Tax liability on those purchases.

## CONSTRUCTION CONTRACTORS



## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

- 90-0248 06-01-90 Landscapers which permanently affix items to realty are governed by the construction contractor provisions.
- 90-0260 06-05-90 Landscapers will be treated as construction contractors making improvements to real estate.
- 90-0265 06-06-90 When a retailer functions both as a construction contractor and a retailer, he pays Retailers' Occupation Tax when he retails and Use Tax when he is a contractor.
- 90-0267 06-06-90 Construction contractors incur Use Tax liability based on their cost price of items which they permanently affix to realty.
- 90-0269 06-06-90 Installer of central vacuum systems is a construction contractor.
- 90-0288 06-11-90 A construction contractor is taxable on his cost price of the tangible personal property that he purchases and incorporates into real estate.
- 90-0290 06-12-90 Vendors of heating and cooling units which become permanently affixed are treated as construction contractors.
- 90-0293 06-14-90 A contractor who does insulation and new construction or remodeling or repairs of real property would continue to pay Use Tax exactly as he has in the past. However, if the same contractor makes repairs to tangible personal property rather than real property, he would be subject to the new requirement of the Service Occupation Tax.
- 90-0300 06-15-90 A construction contractor can continue to pay Use Tax to his supplier when repairing tangible personal property that is incorporated into real estate such as central air conditioning units.
- 90-0309 06-19-90 Supplier of carpenter who permanently affixes the carpet should collect tax on the sale. If the carpenter merely tacks it down, such carpenter should provide supplier with resale certificate.
- 90-0337 06-21-90 Construction contractors are considered to be the end-users of the items which they permanently affix to real estate and thereby incur Use Tax on the cost price of such items. See, 86 Ill. Adm. Code Section 130.1940.

## ENTERPRISE ZONES

- 90-0187 05-04-90 Effective January 1, 1990 municipalities and or counties which established an enterprise zone no longer have the authority to restrict or limit the use of the enterprise zone exemption. Consequently, a municipality can no longer require a building permit or determine what type of real estate is entitled to the exemption.
- 90-0299 06-15-90 Since construction contractors are users (not retailers) of building materials, they can take advantage of the Enterprise Zone building material exemption only if they purchase the building materials from a retailer located in a jurisdiction which created the enterprise zone into which those materials will be incorporated. See, 86 Ill. Adm. Code 130.1951(a)(2).

## EXEMPT ORGANIZATIONS

- 90-0319 06-20-90 Tax-exempt ambulance service may purchase transfer medicine tax-free.
- 90-0322 06-20-90 Student councils cannot obtain tax exemption numbers. Teacher-sponsored student organizations may make sales without incurring Retailers' Occupation Tax liability.
- 90-0323 06-20-90 Construction contractors may present realty owner's exemption number when purchasing items for affixation as per 86 Ill. Adm. Code 130.1975(d).
- 90-0330 06-21-90 When selling meals to an exempt organization once or twice a year, you incur no Retailers' Occupation Tax (sales tax) liability so long as you invoice the exempt organization, get a valid exemption identification number from the exempt organization and are paid by the exempt organization.
- 90-0345 06-22-90 Retailer may be held liable for tax in accepting an expired tax exemption identification number.
- 90-0373 06-29-90 An independent contractor operating a pharmacy in a charitable hospital does incur Illinois sales tax liabilities when selling/dispensing medicines. This is true even though the hospital would be exempt from those taxes if it sold/dispensed those medicines itself.



## DEPARTMENT OF REVENUE

## FARM CHEMICALS

- 90-0183 05-02-90 The Farm Chemical Exemption is available only as to chemicals used in conjunction with animals which will be sold. The exemption is not available for medications administered to draft horses, pet pleasure horses or race horses.

## FARM MACHINERY &amp; EQUIPMENT

- 90-0149 04-12-90 Grain bins do not qualify for the farm machinery and equipment exemption.
- 90-0160 04-20-90 ATV's do not qualify for the exemption afforded farm machinery and equipment.
- 90-0163 04-23-90 A tool to insert I.D. tags in the ears of cattle can qualify for the Farm Machinery and Equipment Exemption.
- 90-0170 04-26-90 Mowers used to mow fence rows or clear land do not qualify for the farm machinery and equipment exemption.
- 90-0184 05-02-90 This letter applies the Farm Machinery & Equipment Exemption to a list of products sold by a farm supply store.
- 90-0186 05-03-90 The transport of feed from an off-farm location to on-farm holding bins (storage) does not qualify as production agriculture.
- 90-0331 07-02-90 Animal confinement buildings do not qualify for the farm machinery & equipment exemption.
- 90-0354 06-26-90 Machinery used to grow seed for the propagation of feed grains are exempt from Retailers' Occupation Tax under the statute's Farm Machinery and Equipment exemption. See, 86 Ill. Adm. Code 130.305.

## FOOD, DRUGS &amp; MEDICAL APPLIANCES

- 90-0192 05-07-90 Gross receipts from sales of food and drink by restaurants, coffee shops, cafeterias, and other establishments which provide facilities for on-premises consumption are subject to the full rate of tax on all sales.
- 90-0200 05-10-90 Cart vendors of food are subject to the high rate of tax on all taxable sales.

## DEPARTMENT OF REVENUE

- 90-0216 05-18-90 This letter discusses the Service Occupation Tax changes effective 1/1/90, as they relate to an optical supply house which sells prescription lenses to optometrists, etc.
- 90-0243 05-31-90 Meal replacement preparations used in conjunction with diet programs, can qualify for the reduced rate of tax applicable to food.
- 90-0259 06-05-90 A wheelchair lift fitted to a van can qualify as a medical appliance.
- 90-0266 06-06-90 Sales of nonprescription, over-the-counter drugs incur Retailers' Occupation Tax liability at the reduced rate of 1%.
- 90-0270 06-06-90 Food which is prepared for immediate consumption is subject to the full rate of Retailers' Occupation Tax. Consequently, restaurant sales, room service sales and the like which involve sales of food prepared for immediate consumption are taxed at the rate of 6.50 percent in Waukegan, Illinois.
- 90-0277 06-07-90 A cleaning device dispensed by a dentist is taxed at the low rate.
- 90-0279 06-08-90 Provided half the selling of a fruit basket is for the food, the sale may qualify for the reduced rate.
- 90-0303 06-18-90 The tax treatment of food products depends upon whether the food sold is to be consumed off the premises where sold or if it has been prepared for immediate consumption. If the former, the low rate of tax will apply, if the latter, the high rate will be applicable.
- 90-0313 06-19-90 Vehicle controls which permit disabled persons to operate the vehicle can qualify as medical appliances.
- 90-0315 06-19-90 As of January 1, 1990, medical appliances intended to correct any functioning part of the body will be taxed at the rate of 1% (plus applicable local tax).
- 90-0321 06-20-90 Contact lenses and contact lens solutions qualify for the reduced rate of tax.
- 90-0324 06-20-90 Food which has been prepared for immediate consumption is subject to a full tax rate. Food sold for human consumption which is to be consumed off the premises



where it is sold is subject to a 1% tax rate, plus applicable local taxes.

90-0333

06-21-90 When an optical store makes retail sales, tax is assessed on 100% of the selling price. If the sale is a service situation, the tax is on 50% of the selling price.

## GRAPHIC ARTS

90-0190

05-07-90 Duplicating equipment (i.e. copy machines) do not qualify for the Graphic Arts Exemption.

90-0194

06-08-90 The exemption for certain manufacturing businesses within an enterprise zone on their purchase of supplies are inapplicable on the purchase of supplies used by a printer. Printers are engaged in Graphic Art Production not manufacturing or assembling. This letter also informs the taxpayer of the exemption granted to such taxpayer for its utilities, i.e., etc. utilities and gas.

90-0340

06-21-90 Photocopying machines do not qualify for the graphic arts machinery & equipment exemption.

90-0371

06-28-90 The proceeds from the sale of graphic arts machinery and equipment, including repair and replacement parts, are exempt from Retailers' Occupation Tax (Ill. Rev. Stat. 1989, ch. 120, 441(d)).

## GROSS RECEIPTS

90-0132

04-03-90 Shipping and handling charges which are separately contracted for are not included in gross receipts for purposes of determining Retailers' Occupation Tax liability.

90-0142

04-05-90 An amount attributable to a discount is not included in gross receipts for determining Retailers' Occupation Tax liability. See, 86 Ill. Adm. Code 130.420.

90-0143

04-05-90 Car dealer's preparation fee must be included in gross receipts for purposes of Retailers' Occupation Tax.

90-0144

04-05-90 Freight charges are not taxable if separately contracted for. Service charge is not taxable if no tangible personal property is transferred pursuant to the service.

90-0154

04-16-90 The amounts represented by a seller's discount coupons are excludable from gross receipts under the conditions set forth in 86 Ill. Adm. Code Section 130.2125(b).

## DEPARTMENT OF REVENUE

90-0158

04-18-90 Mandatory service charges are excludable from gross receipts only if all of the proceeds of the charge are turned over to employees who would otherwise have received tips.

90-0162

04-20-90 If a retailer allows a purchaser a discount from the selling price on the basis of payment within 10 days, then such discount is not subject to tax liability. Only the receipts actually received by the retailer from the purchaser are subject to tax.

90-0167

04-24-90 If a retailer obtains reimbursements for accepting discount coupons, the amount of the reimbursement must be included in gross receipts for calculating Retailers' Occupation Tax liability.

90-0182

05-02-90 Sales of refuse stickers are considered to be sales of intangibles and are not subject to the Retailers' Occupation Tax or Use Tax.

90-0210

05-17-90 Cost of doing business, including labor costs incurred by a caterer, must be included in gross receipts.

90-0289

06-11-90 Gross sales taxpayers may file a claim for deduction on their monthly sales tax return after they have written the debt off as a bad debt on Federal returns. If they subsequently receive money for partial payment of debt (i.e., bankruptcy proceeding), they must include this figure in Retailers' Occupation Tax liability.

90-0338

06-21-90 The Retailers' Occupation Tax Act exempts isolated and occasional sales. See 86 Ill. Adm. Code Section 130.110.

90-0356

06-26-90 If a retailer allows a purchaser a discount from the selling price on the basis of payment within 10 days, then such discount will not be subject to tax liability. Only receipts actually received by the retailer from the purchaser are subject to tax. See 86 Ill. Adm. Code 130.420(c).

## HOTEL OPERATORS' TAX

90-0236

05-30-90 This letter discusses the "permanent resident" exception to the Hotel Operators' Occupation Tax in the context of rentals made to lessees where rooms will be occupied by the lessee's employees.

90-0307

06-19-90 Governmental units are not exempt from Hotel Operators' Occupation Tax.



DEPARTMENT OF REVENUE

90-0310 06-19-90 Universities are not exempt from Hotel Operators' Occupation Tax.

INTERSTATE COMMERCE

90-0284 06-08-90 Where a railroad has an Illinois office and trains moving on tracks through Illinois, there is nexus for purpose of determining whether tax may be imposed.

90-0349 06-25-90 Retailers' Occupation Tax liability does not extend to gross receipts from sales wherein the seller makes physical delivery of the goods from a point in Illinois to a point outside of Illinois, not be returned to a point within Illinois. See 86 Ill. Adm. Code 130.605(b).

LEASING

90-0188 05-04-90 Lessors which enter into leases which are conditional sales contracts rather than true leases, incur Retailers' Occupation Tax liability on such leases. See 86 Ill. Adm. Code 130.2010.

90-0232 05-29-90 This letter applies the rule set out at 86 Ill. Adm. Code Section 2010 to three purchase options used in conjunction with the taxpayer's Master Lease.

90-0261 06-06-90 Lessors incur Use Tax liability on property they lease. Lessees incur no tax liabilities unless lease is deemed to be conditional sale rather than true lease.

90-0278 06-07-90 A lessor is entitled to credit for taxes previously paid on a leased item at the time he sells it.

90-0282 06-08-90 Lease with a nominal purchase amount, is deemed to be a conditional sale and the seller/lessor incurs Retailers' Occupation Tax liability. If the vehicles are subsequently traded-in, the purchaser is entitled to a credit from the trade-in.

90-0314 06-19-90 For Illinois sales tax purposes, the tax liability in a true rental agreement is on the lessor.

90-0316 06-19-90 Tangible personal property brought into Illinois for lease is subject to Use Tax by the lessor, with allowance for depreciation and foreign State taxes properly paid.

90-0343 06-22-90 Lease which contains a nominal purchase option measures Retailers' Occupation Tax on gross receipts.

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90-0370 06-28-90 Lessor owes Use Tax on rental inventory brought into Illinois.

LOCAL TAXES

90-0150 04-16-90 Prior to 9/1/90, the question of whether an exemption exists from a home rule sales tax depends on the local ordinance imposing the home rule sales tax. The Department of Revenue will begin administering home rule sales taxes on 9/1/90. On and after that date, all exemptions contained in the IL Retailers' Occupation Tax will be applicable to home rule sales taxes.

90-0222 05-23-90 Informs municipality that their Home Rule Municipal Retailers' Occupation Tax and Home Rule Municipal Service Occupation Tax ordinance is defective.

90-0242 05-31-90 For purposes of local Retailers' Occupation Taxes, it is the seller's location which fixes jurisdiction.

90-0276 06-07-90 The appropriate tax rate to be used when the retailer leaves his principal place of business to solicit orders is the principal location of the business.

90-0302 06-18-90 It is the seller's location, not the location of the purchaser, which fixes jurisdiction for determining local sales taxes.

90-0305 06-19-90 Purchase order acceptance is the most important factor considered in determining a retailer's location for purposes of determining jurisdiction for local tax liability.

90-0336 06-21-90 Local Retailers' Occupation Tax is measured at place of order acceptance.

MANUFACTURING MACHINERY & EQUIPMENT

90-0145 04-05-90 Threading dies and replacement blades can qualify for the Manufacturing Machinery and Equipment Exemption when they effect a change on the finished product in the manufacturing process.

90-0146 04-06-90 Furnaces used by a company to pre-heat its customers' products, i.e. screws and bolts, is not subject to the Retailers' Occupation Tax or Use Tax because the furnaces which provide the heat-treating service makes a direct physical change on the screws and bolts by strengthening and hardening such tangible personal property.



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- 90-0165 04-24-90 The Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. Equipment includes independent tools separate from the machinery but essential to the manufacturing process. Parts requiring periodic replacement in the course of normal operation, are included.
- 90-0177 05-01-90 The MES exemption can be claimed by the purchaser providing its registration number to the seller.
- 90-0197 05-08-90 Ovens used in an on-line manufacturing process which effectuate a physical change on property may qualify under the manufacturing machinery & equipment exemption.
- 90-0209 05-17-90 Repair parts for qualifying manufacturing machines qualify for the Manufacturing Machinery and Equipment Exemption when sold "over the counter". When transferred incident to a repair service, the exemption is not available.
- 90-0211 05-17-90 A stamping machine and stencils used to print on shipping labels does not qualify for the Manufacturing Machinery & Equipment Exemption.
- 90-0218 05-22-90 Machinery used to produce an intentionally produced by-product can qualify for MES treatment. Machinery used to dispose of scrap or waste cannot.
- 90-0219 05-22-90 Machinery used to dispose of waste does not qualify for the Manufacturing Machinery and Equipment Exemption.
- 90-0233 05-30-90 The Manufacturing Machinery and Equipment Exemption specifically disallows equipment used in nonmanufacturing activities such as the disposal of waste, scrap, or residue.
- 90-0245 05-31-90 Machinery used in a direct, on-line manufacturing process, qualifies for the Manufacturing Machinery and Equipment Exemption. Equipment used to maintain and repair exempt machinery can also qualify for the exemption. Safety equipment does not qualify for exemption.
- 90-0247 06-01-90 Ready-mix trucks can qualify as manufacturing machines under the authority of Van's Material v. Department of Revenue.
- 90-0256 06-04-90 Under the authority of Van's Material Company v. Illinois Department of Revenue, ready-mix trucks can qualify for the manufacturing machinery and equipment exemption.

## DEPARTMENT OF REVENUE

- 90-0287 06-11-90 Ready-mix trucks can qualify for the manufacturing machinery and equipment exemption.
- 90-0296 06-14-90 Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for sale.
- 90-0298 06-15-90 A radial drilling machine may be exempt from ROT.
- MISCELLANEOUS
- 90-0131 04-03-90 The Invested Capital Tax applies to companies engaged in the Interstate Transmission of Telecommunications Services.
- 90-0157 04-18-90 Landscape contractors pay Use Tax on shrubbery which they permanently attach to realty.
- 90-0171 04-27-90 It is a criminal offense for a retailer to advertise that it will assume or absorb the sales tax. See, Ill. Rev. Stat., ch. 120, par. 439.7.
- 90-0220 05-23-90 Response to questionnaire requesting information on motor vehicle Sales/Use Taxes and related issues.
- 90-0223 05-25-90 The Illinois sales tax statutes contain no exemption for recycling equipment.
- 90-0255 06-04-90 Request for information: The rolling stock exemption is available to lessors of interstate carriers for hire so long as the lease involved is for one year or longer.
- 90-0257 06-05-90 It is permissible for wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under the Act with respect to such sales. See, 86 Ill. Adm. Code 130.550.
- 90-0274 06-07-90 The Retailers' Occupation Tax and Use Taxes are not dischargeable under the Bankruptcy Act and the Taxpayer is still liable for such taxes even after filing bankruptcy. This is in compliance with Groetken vs. The Department of Revenue cited at Document No. 86-3066
- 90-0317 06-20-90 Regulations dealing with the resale and farm machinery exemption.



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90-0318 06-20-90 Sales to churches are subject to the Leaking Underground Fuel Storage Tank Tax.

90-0325 06-20-90 Effective January 1, 1990, the Illinois Retailers' Occupation Tax rate is 6.25%.

90-0335 06-21-90 Cost of rule book.

90-0351 06-25-90 Sales of yard waste stickers are sales of intangibles and such sales are not subject to sales tax liabilities.

MOTOR FUEL TAX

90-0329 06-21-90 Where the term of a lease of a truck is for 30 days or more, the lessee shall be responsible for the reporting of mileage and the liability for tax arising under Section 13a.3 of the Motor Fuel Tax Law.

NEXUS

90-0212 05-18-90 This letter answers inquiry regarding nexus in Illinois.

OCCASIONAL SALE

90-0251 06-04-90 Occasional sales made by non-retailers do not result in Retailers' Occupation Tax or Use Tax liability.

OIL FIELD EQUIPMENT

90-0312 06-19-90 Drilling mud and chemicals will not qualify for the oil field exploration exemption.

POLLUTION CONTROL FACILITIES

90-0195 05-08-90 Trucks and trailers used to transport recyclable material do not fall within the pollution control exemption.

90-0213 05-18-90 "Pollution control facility" means any system intended to eliminate, prevent or reduce air and water pollution, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which, if released without modification, might be harmful to life.

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PRODUCTS OF PHOTOPROCESSING

90-0179 05-01-90 The Retailers' Occupation Tax base for retail sales of the products of photoprocessing by commercial photographers is 10% of the selling price.

90-0181 05-02-90 Effective September 1, 1988, the sale of the products of photoprocessing results in a Retailers' Occupation Tax liability - not a Service Occupation Tax liability.

90-0237 05-30-90 Effective September 11, 1989, sales of the products of photoprocessing (including portraits sold by professional photographers) are subject to Retailers' Occupation Tax liability.

90-0244 05-31-90 Effective September 1, 1988, photographers are subject to Retailers' Occupation Tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. If a charge for the photoprocessing component is not separately stated, tax is imposed on 50% of the entire selling price unless the sale is made by a professional photographer, in which case tax shall be imposed on 10% of the entire selling price.

90-0327 06-21-90 Sales of the products of photoprocessing are retail transactions and professional photographers may either separately state the charge for photoprocessing or assess tax on 10% of the entire billing.

REQUEST FOR INFORMATION

90-0225 05-25-90 Discusses the guidelines for requesting a letter ruling from the Department.

90-0229 05-29-90 REQUEST FOR INFORMATION

RETURNS

90-0252 06-04-90 When a retailer files on a gross receipts basis, bad debts are not a consideration.

90-0271 06-06-90 This letter describes the requirements for changing from a gross receipts filing to a gross sales filing.



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## ROLLING STOCK EXEMPTION

- 90-0217 05-21-90 Anti-freeze, motor oils and lubes can qualify for the rolling stock exemption, in that they become a part of rolling stock and are not readily consumed therein.
- 90-0238 05-30-90 The rolling stock exemption applies to tangible personal property purchased for use as rolling stock in interstate commerce.
- 90-0246 06-01-90 This letter applies the rolling stock exemption to tow boats and barges.
- 90-0253 06-04-90 The Retailers' Occupation Tax does not apply to retail sales of tangible personal property to lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce.
- 90-0339 06-21-90 The Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce. The exemption does not apply to sandpaper, thinner, tape and paper and other items that are used by interstate carriers for hire in servicing the transportation vehicles, but that do not become a part of the vehicles.

## SALE AT RETAIL

- 90-0134 04-03-90 A portable building which is not physically affixed to real estate remains tangible personal property and its retail sale results in Retailers' Occupation Tax liability.
- 90-0201 05-10-90 The retail sale of a repossessed vehicle by a bank is subject to Retailers' Occupation Tax liability. If the bank sells to a dealer for resale, the sale for resale exemption is available.
- 90-0204 05-16-90 Thrift shops incur Retailers' Occupation Tax liability when making sales at retail. This is true even where the thrift shop is operated by a charitable organization.
- 90-0215 05-18-90 Sales of communications services trigger no Retailers' Occupation Tax liability because there is no transfer of tangible personal property.
- 90-0226 05-29-90 Tailors are subject to Retailers' Occupation Tax, not Service Occupation Tax, on sales of custom made suits.

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- 90-0227 05-29-90 Sales of fuel by lessors of motor vehicles to their lessees are subject to Retailers' Occupation Tax.
- 90-0249 06-04-90 The sale of fencing materials "over-the-counter" results in a Retailers' Occupation Tax liability. The sale and installation of a fence is a construction contract situation.
- 90-0263 06-06-90 Veterinarians incur Retailers' Occupation Tax liability on over-the-counter sales. When they doctor, they are subject to Service Occupation Tax.
- 90-0272 06-06-90 Sale by franchisor of retail outlets to franchisees, where it is franchisor's practice to set up new outlets for sale to qualified franchisees is not an isolated or occasional sale.
- 90-0292 06-14-90 Brokers of securities are making sales of intangible personal properties and do not incur Retailers' Occupation Tax or Use Tax even if those sales are sales at retail.
- 90-0304 06-18-90 Printers incur Retailers' Occupation Tax liability on their gross receipts from retail sales of tangible personal property for use or consumption. This is the case, for example, when they sell to purchasers for use or consumption tangible personal property which is standard enough to be stocked for sale or offered for sale apart from the sellers engaging in a service occupation. See, 86 Ill. Adm. Code 130.2000.
- 90-0355 06-26-90 The over-the-counter sale (no construction) of log home kits results in a Retailers' Occupation Tax liability based on the seller's gross receipts from sale.
- 90-0360 06-27-90 Software maintenance agreements may or may not be taxable. If the maintenance agreement merely involves technical advice or assistance, no tax liabilities are incurred. However, if the maintenance agreement entails a transfer of tangible personal property incident to the maintenance arrangement, the charges for maintenance will be considered sales of software and taxable.

## SALE FOR RESALE

- 90-0140 04-04-90 Consumable supplies, such as tape and sandpaper, purchased by body shops are purchased for use, not for resale.



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- 90-0175 05-01-90 Seeds bought to grow fruit for resale are exempt from tax upon resale exemption provision.
- 90-0221 05-23-90 Sales for resale should be documented by Certificates of Resale.
- 90-0239 05-31-90 The demonstration use exemption may not be claimed for tangible personal property purchased for resale which is consumed or destroyed in order to promote or demonstrate the product available for sale. See 86 Ill. Adm. Code Section 130.306(b).
- 90-0262 06-06-90 Out-of-State seller with no connection to Illinois should apply and get a resale number. However, other documentation that certifies such person is purchasing to resell rather than use is acceptable.
- 90-0281 06-08-90 Parts and supplies purchased for vehicles which will be resold and become permanently attached to the vehicles may be purchased exempt from supplier.
- 90-0294 06-14-90 Feed that is sold to a breeder of horses for resale purposes is exempt as a sale for resale.
- 90-0332 06-21-90 This letter describes the sale for resale in drop shipment situations.
- 90-0358 06-27-90 Blanket Certificates of Resale may be used to document sales for resale.
- 90-0368 06-28-90 This letter addresses sale for resale documentation in drop-shipment situations, temporary storage exemption and purchases by exempt organizations.
- 90-0369 06-28-90 Retailers must obtain Certificates of Resale containing all information requested by 86 Ill. Adm. Code Section 130.1410, enclosed. Unless customers include their Illinois registration numbers or Illinois resale numbers, a presumption exists that the sale is not for resale.
- SALE OF SERVICE**
- 90-0133 04-03-90 Where a repairman's invoice shows the selling price of repair and replacement parts, the Service Occupation Tax liability is based on that stated selling price (so long as it is not less than the repairman's cost price of those parts).

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- 90-0136 04-03-90 Effective 1/1/90, SOT is incurred by Servicemen whose acquisition cost of TPP transferred is equal to or greater than 35% of their receipts from rendering of service.
- 90-0148 04-10-90 If a serviceman's cost price of items transferred incident to service is less than 35% of his gross receipts from sales of service, no Service Occupation Tax liability is incurred. Rather, such de minimus servicemen pay Use Tax on their cost price of such items.
- 90-0152 04-16-90 This letter describes the application of the SOT changes effective 1/1/90 to a sub-service situation in which a contractual health care provider (a vision service plan) pays the primary and secondary servicemen.
- 90-0153 04-16-90 This letter sets out the Service Occupation Tax changes which became effective on January 1, 1990.
- 90-0155 04-17-90 This letter describes the changes in the Service Occupation Tax effective 1/1/90 as they relate to sales of lenses by labs to optometrists.
- 90-0159 04-19-90 The sale of a sticker which entitles the purchaser to have a bag of solid waste hauled to a landfill represents the sale of an intangible.
- 90-0164 04-23-90 The sales tax consequences on sales of extended warranty plans has changed. Effective January 1, 1990, the taxable incidence is on the sale of the extended warranty plan. Illinois dealers should charge sales tax on 50% of the total selling price of the extended warranty plan. See, 86 Ill. Adm. Code Section 140.301(b)(3), enclosed.
- 90-0166 04-24-90 This letter sets out the application of the Service Occupation Tax to optometrists and labs which grind corrective lenses.
- 90-0172 05-01-90 Customized business forms result in a Service Occupation Tax situation.
- 90-0173 05-01-90 Effective January 1, 1990, the Service Occupation Tax is based on the selling price of tangible personal property transferred incident to service. If the selling price is not separately stated, the base is 50% of the entire service billing.



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- 90-0193 05-08-90 Sellers of caricatures are deemed to be servicemen for purposes of determining sales tax liability and the normal Service Occupation Tax rules apply.
- 90-0208 05-17-90 Sales of custom designed printed forms and forms imprinted with the customer's name and address are service situations. Sales of non-personalized, standard forms result in a Retailers' Occupation Tax liability.
- 90-0214 05-18-90 Pharmacists whose cost price of prescription drugs is less than 75% of the total gross receipts from sales of service, incur Use Tax liability based on their cost price of the prescription drugs they purchase from their supplier.
- 90-0235 05-30-90 Effective 1/1/90, the sale of extended warranties will be taxed on 50% of the selling price of the warranty contract.
- 90-0254 06-04-90 Sales of biodegradable bags are considered retail sales and therefore retailers incur tax liability on all such sales. The tax is based on 50% of the selling price when the charge for pick-up and disposal is included in the selling price of the bag.
- 90-0258 06-05-90 The sale of waste bags, which include a hauling fee in the sale price, are taxed at 50% of the selling price under the Service Occupation Tax Act.
- 90-0264 06-06-90 This letter describes the application of the Service Occupation Tax changes which became effective 1/1/90 to a repairman.
- 90-0273 06-07-90 This letter describes the Service Occupation Tax changes which became effective 1/1/90.
- 90-0275 06-07-90 Business cards, stationery, etc., are governed by the Service Occupation Tax rules.
- 90-0301 06-18-90 Optional extended warranties are subject to Service Occupation Tax liability at a rate of 6.25%. This tax would be applied to 50% of the entire contract amount. See 140.301(b)(3).
- 90-0306 06-19-90 This letter discusses the Service Occupation Tax changes effective 1/1/90 as they relate to printers.
- 90-0308 06-19-90 Extended warranties are taxed under the new Service Occupation Tax on 50% of the selling price of such plan.

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- 90-0311 06-19-90 If a serviceman enters into an agreement to repair a particular product for a certain fee and a definite period of time, tax is due on 50% of the contract sale amount (if parts are not separately stated). If the cost of the parts transferred will equal less than 35% of the service contract amount, the serviceman may pay tax on the parts and not pass a tax on to his customer. See 86 Ill. Adm. Code 140.10(f) and 140.301(b)(3).
- 90-0326 06-21-90 Repair service measures Service Occupation Tax.
- 90-0328 06-21-90 In a secondary service situation, if the purchaser/primary serviceman does not provide a Certificate of Resale, the sub-serviceman must charge tax.
- 90-0350 06-22-90 This letter describes the Service Occupation Tax changes effective 1/1/90 as they relate to pharmacists.
- 90-0353 06-26-90 This letter describes the Service Occupation Tax changes effective 1/1/90 as they relate to printers.
- 90-0359 06-27-90 Multi-service situation. Printing broker subsequent to 1/1/90.
- 90-0361 06-27-90 Multi-service situation under new Service Occupation Tax.
- 90-0362 06-27-90 This letter generally describes the Service Occupation Tax changes effective 1/1/90.
- 90-0372 06-29-90 This letter generally describes the Service Occupation Tax changes effective 1/1/90.
- 90-0375 06-29-90 This letter explains a multi-service Service Occupation Tax situation.
- SELLERS OF NEWSPAPERS, MAGAZINES, ETC.
- 90-0156 04-18-90 If they meet certain criteria, magazines do not incur Retailers' Occupation Tax liability.
- 90-0205 05-16-90 Comic books which are published periodically are exempt from Retailers' Occupation Tax by virtue of the Newsprint & Ink Exemption.
- 90-0280 06-08-90 An advertising supplement which is inserted into and sold along with a newspaper qualifies for the newsprint and ink exemption.



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## TAX INCREMENT FINANCING

90-0268 06-06-90 The base year adjustments are not required for relocations which are beyond the control of the retailer.

## TELECOMMUNICATIONS EXCISE TAX

90-0138 04-03-90 Voice mail services which use computer processing applications to act upon the form, content or protocol of information for purposes other than transmission are not subject to the Telecommunications Excise Tax.

90-0139 04-03-90 The service called "voice mail" does not fall within the definition of telecommunications and is not subject to the Telecommunications Tax since it is a value-added service which uses computer processing applications which act on the form content code and protocol of the information for purposes other than transmission, i.e., storage and retrieval.

90-0231 05-29-90 This letter discusses the application of the Telecommunications Excise Tax to hotels.

90-0286 06-08-90 Repeaters are subject to the Telecommunications Excise Tax.

90-0342 06-22-90 The only exemptions from Telecommunications Excise Tax are for State governments and State universities.

90-0366 06-28-90 Value-added services do not incur Telecommunications Excise Tax liability.

## TRADE-INS

90-0199 05-10-90 Swap of identical equipment by a retailer and a customer, constitutes retail sale and therefore Retailers' Occupation Tax liability attaches to seller. However, seller may deduct from gross receipts, amount for traded-in property.

90-0285 06-08-90 Credits issued by a car dealer on a trade-in are valid for 6 months subsequent to the trade.

## USE TAX

90-0135 04-03-90 Effective January 1, 1990, the Illinois Use Tax Act will include as a "Retailer maintaining a place of business in this State," any retailer, "5. Being owned or controlled by

## DEPARTMENT OF REVENUE

the same interests which own or control any retailer engaging in business in the same or similar line of business in this state."

90-0137 04-03-90 A retailer who neither accepts purchase orders in Illinois so as to create a binding agreement to sell nor maintains an Illinois inventory is not an Illinois retailer, but may be required to collect Illinois Use Tax on Illinois sales if he has sufficient nexus with the State of Illinois.

90-0147 04-10-90 Illinois Use Tax liability is incurred on the cost price of items purchased outside Illinois which are then brought to Illinois.

90-0176 05-01-90 The interim use exemption is not available unless the item is being purchased for resale.

90-0180 05-01-90 This letter applies the exemption set out at 86 Ill. Adm. Code Section 150.315(b) to a Missouri aviation company moving to Illinois.

90-0191 05-07-90 A retailer who donates an item from his sales inventory (which was acquired tax-free under a Certificate of Resale) to a charity, incurs a Use Tax liability based on his cost price of that item.

90-0206 05-16-90 Mail order business which do nothing more than mail catalogs & ship merchandise into Illinois do not have nexus.

90-0297 06-14-90 Explains drop-shipment situation

90-0320 06-20-90 Deliveries in Illinois from out-of-State sellers expose purchaser to Use Tax liability.

90-0334 06-21-90 Consumers of goods received from out-of-State mail order companies must self-assess use tax.

90-0346 06-22-90 Items such as paint thinner which are used by auto body repairmen in repairing automobiles are subject to Retailers' Occupation Tax/Use Tax when purchased by the repairman.

90-0347 06-22-90 When an Illinois purchaser has an order delivered to him within the State for his use, he incurs Use Tax liability on his cost price of the tangible personal property.

90-0352 06-26-90 Out-of-State furniture retailers whom fall under our statutory definition of a "retailer maintaining a place of



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business in this State", are required to register with the Illinois Department of Revenue and collect Illinois Use Tax when making deliveries to Illinois customers.

- 90-0357 06-27-90 The solicitation of purchase orders in Illinois, an agent located in Illinois or similar activities will establish the requisite "nexus" with Illinois which mandates the out-of-State seller to register as an IL Use Tax collector. See P.A. 86-261.

- 90-0374 06-29-90 Out-of-State vendor with nexus must collect Illinois Use Tax.

## VEHICLE USE TAX

- 90-0178 05-01-90 Collector of antique automobiles makes occasional sale when selling his collection. No Retailers' Occupation Tax liability is incurred by the seller, but the Vehicle Use Tax is incurred by the purchaser.

- 90-0203 05-14-90 Transfer of vehicles from a Florida corporation to Illinois corporation owed by same beneficial ownership nonetheless triggered Vehicle Use Tax.

- 90-0341 06-21-90 The Motor Vehicle Use Tax provides for a flat tax rate of \$15 when motor vehicles are acquired in certain prescribed transactions. Among these transactions is the incidence when a vehicle, which has once been subjected to Retailers' Occupation Tax or Use Tax, is transferred in connection with the organization, reorganization, dissolution, or partial liquidation of an incorporated or unincorporated business wherein beneficial ownership is not changed.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 6, 1990, through August 10, 1990, and have been scheduled for review by the Committee at its September 13, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its September meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Consideration Notice	Scheduled for Consideration by JCAR
9/20/90	Illinois Commerce Commission, Telephone Assistance Program (83 Ill. Adm. Code 757)	2/23/90 14 Ill. Reg. 2731	September 13, 1990
9/20/90	Illinois Racing Board, Pari-Mutuels (11 Ill. Adm. Code 405)	6/1/90 14 Ill. Reg. 8542	September 13, 1990
9/20/90	Illinois Racing Board, Pick N Wagering Pool (11 Ill. Adm. Code 438)	6/1/90 14 Ill. Reg. 8546	September 13, 1990
9/20/90	Illinois Racing Board, Security and Admissions (11 Ill. Adm. Code 1325)	6/1/90 14 Ill. Reg. 8553	September 13, 1990
9/20/90	Illinois Racing Board, Trifecta (11 Ill. Adm. Code 409)	6/1/90 14 Ill. Reg. 8557	September 13, 1990
9/24/90	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	6/22/90 14 Ill. Reg. 9827	September 13, 1990
9/24/90	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	6/22/90 14 Ill. Reg. 9815	September 13, 1990
9/24/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	6/22/90 14 Ill. Reg. 9790	September 13, 1990



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JC&R
9/24/90	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	6/22/90 14 Ill. Reg. 9806	September 13, 1990
9/24/90	Department of Corrections, County Jail Standards (20 Ill. Adm. Code 701)	6/22/90 14 Ill. Reg. 9684	September 13, 1990
9/24/90	Department of Corrections, Municipal Jail and Lockup Standards (20 Ill. Adm. Code 720)	6/22/90 14 Ill. Reg. 9694	September 13, 1990
9/24/90	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	6/8/90 14 Ill. Reg. 8998	September 13, 1990

## PROCLAMATION

90-378  
AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION WEEK

Whereas, the Automotive Parts & Accessories Association (APAA) has returned to Illinois, its birthplace, to celebrate the show's 21st anniversary; and

Whereas, APAA has designated Illinois as the permanent home of the nation's largest automotive trade show, bringing more than \$20 million into the state each year; and

Whereas, the APAA Show will draw 28,000 visitors to Illinois from around the world; and

Whereas, the state's 6.7 million motorists and their six million automobiles are major contributors to the automotive parts and accessories aftermarket, creating a multi-billion dollar market; and

Whereas, the suppliers of automotive products, accessories and services provide hundreds of thousands of jobs to the residents of Illinois;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 21-27, 1990, as AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION WEEK in Illinois.

Issued by the Governor August 7, 1990.

Filed with the Secretary of State August 13, 1990.

90-379  
DENTAL HYGIENE WEEK

Whereas, in the practice of dentistry, the dental hygienist is an essential member of today's dental team and provides the knowledge necessary for proper oral hygiene care. The dental hygienist is a college-educated, licensed professional who is skilled in performing a complete oral prophylaxis and educating the patients regarding the state of their oral health; and

Whereas, the prophylactic and educational services of the dental hygienist are essential in the dental office, as well as in public health facilities, institutions, private organizations, and research facilities, to provide for the best possible oral health care of the consumer; and

Whereas, more than 1,000 registered dental hygienists are members of the 12 local components of the Illinois Dental Hygienists' Association. Through the association, the hygienists work to improve the dental health of residents of this state and to further their own education and professionalism in serving the public;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 14-20, 1990, as DENTAL HYGIENE WEEK in Illinois and urge our citizens to become familiar with and appreciate the practice of dental hygiene.

Issued by the Governor August 7, 1990.



Filed with the Secretary of State August 13, 1990.

## 90-380

## DISABILITY INDEPENDENCE DAY

Whereas, nearly two million Illinois residents have physical or mental disabilities; and

Whereas, men, women, and children with disabilities are present in all ethnic, racial, religious, and economic groups throughout the state; and

Whereas, like all other Americans, individuals with disabilities wish to lead independent and productive lives; and

Whereas, through the reduction of architectural, communicative, and attitudinal barriers, individuals with disabilities can work competitively, live independently, and participate fully in all aspects of community life; and

Whereas, society gains from the full participation of all citizens with disabilities;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 3, 1990, as DISABILITY INDEPENDENCE DAY in Illinois in recognition of the rights, dignity, and independence of all individuals with disabilities. I encourage support of the efforts of United Cerebral Palsy of Illinois, the Illinois Easter Seal Society, and other organizations seeking to eliminate barriers that might otherwise diminish the quality of life for individuals with disabilities.

Issued by the Governor August 7, 1990.

Filed with the Secretary of State August 13, 1990.

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JCAR - Joint Committee on Administrative Rules

## ACTION CODES

A - Adopted Rule  
AR - Adopted Repealer  
C - Notice of Corrections  
CC - Codification Changes  
E - Emergency Rule  
ER - Emergency Repealer  
M - Modification to meet JCAR objections  
O - JCAR Statement of Objections  
P - Proposed Rule  
PF - Prohibited Filing Ordered by JCAR  
PP - Peremptory or Court ordered Rules  
PR - Proposed Repealer  
R - Refusal to meet JCAR objection  
RC - Statement of Recommendation  
S - Suspension ordered by JCAR  
W - Withdrawal to meet JCAR objections

## EXAMPLE:

### AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year, the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Title: of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= recodified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule



TITLE 2		TITLE 8		TITLE 11 (CONT'D)		TITLE 14	
150.220	am	600.80	am	409.90	n	130.100	am
150.220	am	600.85	r	415.10	am	130.110	am
150.220	am	600.90	am	419.20	n	130.120	am
150.220	am			419.30	n	130.130	am
150.220	am			419.40	n	130.140	am
150.220	am			419.50	n	130.150	am
150.220	am			419.60	n	130.160	am
150.220	am			419.70	n	130.170	am
150.220	am			419.80	n	130.180	am
150.220	am			419.90	n	130.190	am
150.220	am			420.00	n	130.200	am
150.220	am			420.10	n	130.210	am
150.220	am			420.20	n	130.220	am
150.220	am			420.30	n	130.230	am
150.220	am			420.40	n	130.240	am
150.220	am			420.50	n	130.250	am
150.220	am			420.60	n	130.260	am
150.220	am			420.70	n	130.270	am
150.220	am			420.80	n	130.280	am
150.220	am			420.90	n	130.290	am
150.220	am			421.00	n	130.300	am
150.220	am			421.10	n	130.310	am
150.220	am			421.20	n	130.320	am
150.220	am			421.30	n	130.330	am
150.220	am			421.40	n	130.340	am
150.220	am			421.50	n	130.350	am
150.220	am			421.60	n	130.360	am
150.220	am			421.70	n	130.370	am
150.220	am			421.80	n	130.380	am
150.220	am			421.90	n	130.390	am
150.220	am			422.00	n	130.400	am
150.220	am			422.10	n	130.410	am
150.220	am			422.20	n	130.420	am
150.220	am			422.30	n	130.430	am
150.220	am			422.40	n	130.440	am
150.220	am			422.50	n	130.450	am
150.220	am			422.60	n	130.460	am
150.220	am			422.70	n	130.470	am
150.220	am			422.80	n	130.480	am
150.220	am			422.90	n	130.490	am
150.220	am			423.00	n	130.500	am
150.220	am			423.10	n	130.510	am
150.220	am			423.20	n	130.520	am
150.220	am			423.30	n	130.530	am
150.220	am			423.40	n	130.540	am
150.220	am			423.50	n	130.550	am
150.220	am			423.60	n	130.560	am
150.220	am			423.70	n	130.570	am
150.220	am			423.80	n	130.580	am
150.220	am			423.90	n	130.590	am
150.220	am			424.00	n	130.600	am
150.220	am			424.10	n	130.610	am
150.220	am			424.20	n	130.620	am
150.220	am			424.30	n	130.630	am
150.220	am			424.40	n	130.640	am
150.220	am			424.50	n	130.650	am
150.220	am			424.60	n	130.660	am
150.220	am			424.70	n	130.670	am
150.220	am			424.80	n	130.680	am
150.220	am			424.90	n	130.690	am
150.220	am			425.00	n	130.700	am
150.220	am			425.10	n	130.710	am
150.220	am			425.20	n	130.720	am
150.220	am			425.30	n	130.730	am
150.220	am			425.40	n	130.740	am
150.220	am			425.50	n	130.750	am
150.220	am			425.60	n	130.760	am
150.220	am			425.70	n	130.770	am
150.220	am			425.80	n	130.780	am
150.220	am			425.90	n	130.790	am
150.220	am			426.00	n	130.800	am
150.220	am			426.10	n	130.810	am
150.220	am			426.20	n	130.820	am
150.220	am			426.30	n	130.830	am
150.220	am			426.40	n	130.840	am
150.220	am			426.50	n	130.850	am
150.220	am			426.60	n	130.860	am
150.220	am			426.70	n	130.870	am
150.220	am			426.80	n	130.880	am
150.220	am			426.90	n	130.890	am
150.220	am			427.00	n	130.900	am
150.220	am			427.10	n	130.910	am
150.220	am			427.20	n	130.920	am
150.220	am			427.30	n	130.930	am
150.220	am			427.40	n	130.940	am
150.220	am			427.50	n	130.950	am
150.220	am			427.60	n	130.960	am
150.220	am			427.70	n	130.970	am
150.220	am			427.80	n	130.980	am
150.220	am			427.90	n	130.990	am
150.220	am			428.00	n	131.000	am
150.220	am			428.10	n	131.010	am
150.220	am			428.20	n	131.020	am
150.220	am			428.30	n	131.030	am
150.220	am			428.40	n	131.040	am
150.220	am			428.50	n	131.050	am
150.220	am			428.60	n	131.060	am
150.220	am			428.70	n	131.070	am
150.220	am			428.80	n	131.080	am
150.220	am			428.90	n	131.090	am
150.220	am			429.00	n	131.100	am
150.220	am			429.10	n	131.110	am
150.220	am			429.20	n	131.120	am
150.220	am			429.30	n	131.130	am
150.220	am			429.40	n	131.140	am
150.220	am			429.50	n	131.150	am
150.220	am			429.60	n	131.160	am
150.220	am			429.70	n	131.170	am
150.220	am			429.80	n	131.180	am
150.220	am			429.90	n	131.190	am
150.220	am			430.00	n	131.200	am
150.220	am			430.10	n	131.210	am
150.220	am			430.20	n	131.220	am
150.220	am			430.30	n	131.230	am
150.220	am			430.40	n	131.240	am
150.220	am			430.50	n	131.250	am
150.220	am			430.60	n	131.260	am
150.220	am			430.70	n	131.270	am
150.220	am			430.80	n	131.280	am
150.220	am			430.90	n	131.290	am
150.220	am			431.00	n	131.300	am
150.220	am			431.10	n	131.310	am
150.220	am			431.20	n	131.320	am
150.220	am			431.30	n	131.330	am
150.220	am			431.40	n	131.340	am
150.220	am			431.50	n	131.350	am
150.220	am			431.60	n	131.360	am
150.220	am			431.70	n	131.370	am
150.220	am			431.80	n	131.380	am
150.220	am			431.90	n	131.390	am
150.220	am			432.00	n	131.400	am
150.220	am			432.10	n	131.410	am
150.220	am			432.20	n	131.420	am
150.220	am			432.30	n	131.430	am
150.220	am			432.40	n	131.440	am
150.220	am			432.50	n	131.450	am
150.220	am			432.60	n	131.460	am
150.220	am			432.70	n	131.470	am
150.220	am			432.80	n	131.480	am
150.220	am			432.90	n	131.490	am
150.220	am			433.00	n	131.500	am
150.220	am			433.10	n	131.510	am
150.220	am			433.20	n	131.520	am
150.220	am			433.30	n	131.530	am
150.220	am			433.40	n	131.540	am
150.220	am			433.50	n	131.550	am
150.220	am			433.60	n	131.560	am
150.220	am			433.70	n	131.570	am
150.220	am			433.80	n	131.580	am
150.220	am			433.90	n	131.590	am
150.220	am			434.00	n	131.600	am
150.220	am			434.10	n	131.610	am
150.220	am			434.20	n	131.620	am
150.220	am			434.30	n	131.630	am
150.220	am			434.40	n	131.640	am
150.220	am			434.50	n	131.650	am
150.220	am			434.60	n	131.660	am
150.220	am			434.70	n	131.670	am
150.220	am			434.80	n	131.680	am
150.220	am			434.90	n	131.690	am
150.220	am			435.00	n	131.700	am
150.220	am			435.10	n	131.710	am
150.220	am			435.20	n	131.720	am
150.220	am			435.30	n	131.730	am
150.220	am			435.40	n	131.740	am
150.220	am			435.50	n	131.750	am
150.220	am			435.60	n	131.760	am
150.220	am			435.70	n	131.770	am
150.220	am			435.80	n	131.780	am
150.220	am			435.90	n	131.790	am
150.220	am			436.00	n	131.800	am
150.220	am			436.10	n	131.810	am
150.220	am			436.20	n	131.820	am
150.220	am			436.30	n	131.830	am
150.220	am			436.40	n	131.840	am
150.220	am			436.50	n	131.850	am
150.220	am			436.60	n	131.860	am
150.220	am			436.70	n	131.870	am
150.220	am			436.80	n	131.880	am
150.220	am			436.90	n	131.890	am
150.220	am			437.00	n	131.900	am
150.220	am			437.10	n	131.910	am
150.220	am			437.20	n	131.920	am
150.220	am			437.30	n	131.930	am
150.220	am			437.40	n	131.940	am
150.220	am			437.50	n	131.950	am
150.220	am			437.60	n	131.960	am
150.220	am			437.70	n	131.970	am
150.220	am			437.80	n	131.980	am
150.220	am			437.90	n	131	



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130.824	(P-16302/89; A-5188)	am	510.190	(P-13072) (E-13298)	n	640.220	(P-19336/89; A-9016)	n
130.826	(P-13742/89; A-884)	am	510.195	(P-13072) (E-13298)	n	640.230	(P-19336/89; A-9016)	n
130.827	(P-16302/89; A-5188)	am	510.205	(P-13072) (E-13298)	n	640.240	(P-19336/89; A-9016)	n
130.828	(P-16302/89; A-5188)	n	510.205	(P-13060)	n	640.250	(P-19336/89; A-9016)	n
130.829	(P-16302/89; A-5188)	n	520.315	(P-13060)	am	640.260	(P-19336/89; A-9016)	n
130.832	(P-16302/89; A-5188)	am	520.740	(P-13060)	am	640.270	(P-19336/89; A-9016)	n
130.836	(P-16302/89; A-5188)	am	520.800	(P-13060)	r	640.280	(P-19336/89; A-9016)	n
130.840	(P-13742/89; A-884)	am	520.810	(P-13060)	r	640.290	(P-19336/89; A-9016)	n
130.841	(P-13742/89; A-884)	am	520.820	(P-13060)	r	640.300	(P-19336/89; A-9016)	n
130.842	(P-16302/89; A-5188)	am	520.830	(P-13060)	r	640.310	(P-19336/89; A-9016)	n
130.844	(P-16302/89; A-5188)	am	520.900	(P-15975/89; A-3445)	am	640.320	(P-19336/89; A-9016)	n
130.846	(P-16302/89; A-5188)	am	520.910	(P-15975/89; A-3445)	am	640.330	(P-19336/89; A-9016)	n
130.847	(P-13742/89; A-884)	n		(P-13060)	am	640.340	(P-19336/89; A-9016)	n
130.847	(P-13742/89; A-884)	n			am	640.350	(P-19336/89; A-9016)	n
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130.1104	(P-16302/89; A-5188)	n	525.50	(P-13356/89; A-1968)	n			
130.1105	(P-16302/89; A-5188)	n	525.60	(P-13356/89; A-1968)	n			
130.1106	(P-16302/89; A-5188)	n	525.70	(P-13356/89; A-1968)	n			
130.1107	(P-16302/89; A-5188)	n	525.80	(P-13356/89; A-1968)	n			
130.1108	(P-16302/89; A-5188)	n	540.110	(P-11022)	n			
130.1109	(P-16302/89; A-5188)	n	540.120	(P-11022)	n			
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130.1110	(P-16302/89; A-5188)	n	540.140	(P-11022)	n			
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130.1111	(P-16302/89; A-5188)	am	540.160	(P-11022)	n			
130.1112	(P-16302/89; A-5188)	#	540.170	(P-11022)	n			
130.1112	(P-16302/89; A-5188)	am	540.180	(P-11022)	n			
130.1113	(P-16302/89; A-5188)	n	540.190	(P-11022)	n			
130.1114	(P-16302/89; A-5188)	n	545.10	(P-19336/89; A-9016)	n			
130.1115	(P-16302/89; A-5188)	n	545.20	(P-19336/89; A-9016)	n			
130.1116	(P-16302/8							







[illegible]



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332.70	n	335.5010	n
332.80	n	335.5020	n
332.90	n	335.5030	n
332.90	n	335.5040	n
332.100	n	335.6010	n
		335.7010	n
		335.7020	n
332.110	n	335.7030	n
		335.7040	n
332.120	n	335.7050	n
332.130	n	335.8010	n
		335.8020	n
332.140	n	335.8030	n
332.150	n	335.8040	n
332.160	n	335.8050	n
332.170	n	335.8060	n
332.180	n	335.8070	n
		335.8080	n
332.190	n	335.8090	n
332.200	n	335.8100	n
		335.8110	n
332.210	n	335.8120	n
		335.8130	n
332.220	n	335.8140	n
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332.230	n	335.9010	n
		335.9020	n
332.240	n	335.9030	n
		335.9040	n
332.250	n	335.9050	n
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332.260	n	335.9070	n
332.270	n	335.9080	n
332.280	n	335.9090	n
332.290	n	335.9100	n
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335.10	n	335.9120	n
335.20	n	335.9130	n
335.30	n	335.9140	n
335.40	n	335.9150	n
335.1010	n	335.9160	n
335.1020	n	335.9170	n
335.1030	n	335.9180	n
335.1040	n	335.1080	am
335.1050	n	360.20	am
335.1060	n	360.30	am
335.1070	n	360.40	am
335.1080	n	360.60	am
335.1090	n	360.70	am
335.2010	n	360.71	am
335.2020	n	360.72	am
335.2030	n	360.73	am
335.2040	n	360.74	am
335.2050	n	360.75	am
335.2060	n	360.76	am
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335.2080	n	360.78	am
335.2090	n	360.79	am
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335.2110	n	360.81	am
335.2120	n	360.82	am
335.2130	n	360.83	am
335.3010	n	360.84	am
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TITLE 35 (CONT'D)		TITLE 35 (CONT'D)	
215.464	am	302.645	n
215.467	n	302.648	n
215.480	am	302.651	n
215.481	am	302.654	n
215.482	am	302.657	n
215.483	am	302.658	n
215.484	am	302.660	n
215.485	am	302.663	n
215.486	am	302.666	n
215.487	am	302.669	n
215.488	am	303.430	n
215.489	am	303.431	n
215.489	#	304.123	am
215.490	#	304.211	n
215.490	am	304.218	n
215.582	am	304.221	am
215.584	am	304.222	am
215.585	n	305.102	am
215.585	am	306.503	n
215.586	n	307.1102	am
215.603	am	307.2490	am
215.614	n	307.2491	am
215.615	n	307.8103	am
215.616	n	307.8109	am
215.616	am	309.103	am
215.686	am	310.107	am
215.686	n	310.110	am
215.686	n	310.111	am
215.686	n	366.101	n
215.686	n	366.102	n
215.686	n	366.103	n
215.686	n	366.104	n
215.686	n	366.105	n
215.686	n	366.106	n
215.686	n	366.201	n
215.686	n	366.202	n
215.686	n	366.203	n
215.686	n	366.204	n
215.686	n	366.205	n
215.686	n	366.206	n
215.686	n	366.301	n
215.686	n	366.302	n
215.686	n	366.303	n
215.686	n	366.304	n
215.686	n	366.305	n
215.686	n	366.306	n
215.686	n	366.307	n
215.686	n	366.401	n
215.686	n	366.402	n
215.686	n	366.403	n
215.686	n	366.404	n
215.686	n	366.405	n
215.686	n	366.501	n
215.686	n	366.502	n







TITLE 35 (CONT'D)			TITLE 35 (CONT'D)		
815.201	n	(P-3872)	870.212	am	(P-8809)
815.202	n	(P-3872)	870.301	am	(P-8809)
815.203	n	(P-3872)	870.302	am	(P-8809)
815.204	n	(P-3872)	870.305	am	(P-8809)
815.301	n	(P-3872)	870.307	am	(P-8809)
815.302	n	(P-3872)	870.309	am	(P-8809)
815.303	n	(P-3872)	870.310	am	(P-8809)
815.401	n	(P-3872)	871.101	am	(P-8429)
815.402	n	(P-3872)	871.102	am	(P-8429)
815.501	n	(P-3872)	871.201	am	(P-8429)
815.502	n	(P-3872)	871.301	am	(P-8429)
815.503	n	(P-3872)	871.303	am	(P-8429)
848.101	n	(P-7763)	871.305	am	(P-8429)
848.102	n	(P-7763)	871.402	am	(P-8429)
848.103	n	(P-7763)	871.503	am	(P-8429)
848.104	n	(P-7763)			
848.201	n	(P-7763)	TITLE 38		
848.202	n	(P-7763)	195.100	n	(P-1558; A-9110)
848.203	n	(P-7763)	195.120	n	(P-1558; A-9110)
848.301	n	(P-7763)	195.140	n	(P-1558; A-9110)
848.302	n	(P-7763)	195.160	n	(P-1558; A-9110)
848.303	n	(P-7763)	195.180	n	(P-1558; A-9110)
848.304	n	(P-7763)	195.200	n	(P-1558; A-9110)
848.305	n	(P-7763)	356.10	am	(P-3303; A-11183)
848.306	n	(P-7763)	356.20	am	(P-3303; A-11183)
848.401	n	(P-7763)	356.30	am	(P-3303; A-11183)
848.402	n	(P-7763)	395.10	n	(P-2981)
848.403	n	(P-7763)	395.20	n	(P-2981)
848.501	n	(P-7763)	395.30	n	(P-2981)
848.502	n	(P-7763)	396.10	n	(P-2985)
848.503	n	(P-7763)	396.20	n	(P-2985)
848.504	n	(P-7763)	396.30	n	(P-2985)
848.505	n	(P-7763)			
848.506	n	(P-7763)	TITLE 41		
848.507	n	(P-7763)	100.	am	(RC-3277)
848.601	n	(P-7763)	140.2	am	(P-4781)
848.602	n	(P-7763)	140.8	am	(P-4781)
848.603	n	(P-7763)	140.12	am	(P-4781)
848.604	n	(P-7763)	140.13	am	(P-4781)
848.605	n	(P-7763)	140.15	am	(P-4781)
848.606	n	(P-7763)	140.20	am	(P-4781)
848.607	n	(P-7763)	140.40	am	(P-4781)
848.608	n	(P-7763)	140.50	am	(P-4781)
848.609	n	(P-7763)	140.55	am	(P-4781)
848.610	n	(P-7763)	140.60	am	(P-4781)
848.611	n	(P-7763)	140.65	am	(P-4781)
848.612	n	(P-7763)	140.70	am	(P-4781)
848.613	n	(P-7763)	140.80	am	(P-4781)
848.614	n	(P-7763)	140.90	am	(P-4781)
848.615	n	(P-7763)	140.130	am	(P-4781)
848.616	n	(P-7763)	140.140	am	(P-4781)
848.617	n	(P-7763)	140.150	am	(P-4781)
848.618	n	(P-7763)	140.160	am	(P-4781)
848.619	n	(P-7763)	140.171	am	(P-4781)
848.620	n	(P-7763)	140.180	am	(P-4781)
848.621	n	(P-7763)	140.185	am	(P-4781)
848.622	n	(P-7763)	140.190	am	(P-4781)
848.623	n	(P-7763)	140.200	am	(P-4781)
848.624	n	(P-7763)	140.210	am	(P-4781)
848.625	n	(P-7763)	140.215	am	(P-4781)
848.626	n	(P-7763)	140.220	am	(P-4781)
848.627	n	(P-7763)	140.230	am	(P-4781)
848.628	n	(P-7763)	140.240	am	(P-4781)
848.629	n	(P-7763)			
848.630	n	(P-7763)			
848.631	n	(P-7763)			
848.632	n	(P-7763)			
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848.737	n	(P-7763)			
848.738	n	(P-7763)			
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848.752	n	(P-7763)			
848.753	n	(P-7763)			
848.754	n	(P-7763)			
848.755	n	(P-7763)			
848.756	n	(P-7763)			
848.757	n	(P-7763)			
848.758	n	(P-7763)			
848.759	n	(P-7763)			
848.760	n	(P-7763)			
848.761	n	(P-7763)			
848.762	n	(P-7763)			
848.763	n	(P-7763)			
848.764	n	(P-7763)			
848.765	n	(P-7763)			
848.766	n	(P-7763)			
848.767	n	(P-7763)			
848.768	n	(P-7763)			
848.769	n	(P-7763)			
848.770	n	(P-7763)			
848.771	n	(P-7763)			
848.772	n	(P-7763)			
848.773	n	(P-7763)			
848.774	n	(P-7763)			
848.775	n	(P-7763)			
848.776	n	(P-7763)			
848.777	n	(P-7763)			
848.778	n	(P-7763)			
848.779	n	(P-7763)			
848.780	n	(P-7763)			
848.781	n	(P-7763)			
848.782	n	(P-7763)			
848.783	n	(P-7763)			
848.784	n	(P-7763)			
848.785	n	(P-7763)			
848.786	n	(P-7763)			
848.787	n	(P-7763)			
848.788	n	(P-7763)			
848.789	n	(P-7763)			
848.790	n	(P-7763)			
848.791	n	(P-7763)			
848.792	n	(P-7763)			
848.793	n	(P-7763)			
848.794	n	(P-7763)			
848.795	n	(P-7763)			
848.796	n	(P-7763)			
848.797	n	(P-7763)			
848.798	n	(P-7763)			
848.799	n	(P-7763)			
848.800	n	(P-7763)			
848.801	n	(P-7763)			
848.802	n	(P-7763)			
848.803	n	(P-7763)			
848.804	n	(P-7763)			
848.805	n	(P-7763)			
848.806	n	(P-7763)			
848.807	n	(P-7763)			
848.808	n	(P-7763)			
848.809	n	(P-7763)			
848.810	n	(P-7763)			
848.811	n				

TITLE 41 (CONT'D)			TITLE 41 (CONT'D)		
140.250	am	(P-4781)	251.40	n	(E-8194; CC-8739)
140.250	n	(P-4781)	251.50	n	(E-8194; CC-8739)
140.260	n	(P-4781)	251.60	n	(E-8194; CC-8739)
140.290	am	(P-4781)	251.70	n	(E-8194; CC-8739)
140.325	am	(P-4781)	251 Ap.A	n	(E-8194; CC-8739)
140.390	am	(P-4781)	II.A	n	(E-8194; CC-8739)
170.310	am	(P-12373)	II.B	n	(E-8194; CC-8739)
170.670	am	(P-63; A-5781)			
250.10	n	(P-5322)	TITLE 44		
250.20	n	(P-5322)	5010.110	am	(P-8271) (E-8714; O-13033)
250.25	n	(P-5322)	5010.610	am	(P-8271) (E-8714; O-13033)
250.30	n	(P-5322)	5010.660	am	(P-8271) (E-8714; O-13033)
250.40	n	(P-5322)	5010.670	am	(P-8271) (E-8714; O-13033)
250.50	n	(P-5322)	5010.710	am	(P-8271) (E-8714; O-13033)
250.55	n	(P-5322)	5010.720	am	(P-8271) (E-8714; O-13033)
250.60	n	(P-5322)	5010.730	am	(P-8271) (E-8714; O-13033)
250.70	n	(P-5322)	5010.740	am	(P-8271) (E-8714; O-13033)
250.80	n	(P-5322)	5010.1140	am	(P-8271) (E-8714; O-13033)
250.82	n	(P-5322)	5030.110	am	(P-10983) (E-11351)
250.83	n	(P-5322)	5030.120	am	(P-10983) (E-11351)
250.85	n	(P-5322)	5030.130	am	(P-10983) (E-11351)
250.90	n	(P-5322)			
250.93	n	(P-5322)	TITLE 47		
250.95	n	(P-5322)	100.10	am	(P-17589/89; A-13440)
250.97	n	(P-5322)	100.20	am	(P-17589/89; A-13440)
250.201	n	(P-5322)	100.30	am	(P-17589/89; A-13440)
250.210	n	(P-5322)	100.40	n	(P-17589/89; A-13440)
250.213	n	(P-5322)	100.45	n	(P-17589/89; A-13440)
250.215	n	(P-5322)	100.50	n	(P-17589/89; A-13440)
250.216	n	(P-5322)	100.70	am	(P-17589/89; A-13440)
250.220	n	(P-5322)	100.85	am	(P-17589/89; A-13440)
250.225	n	(P-5322)	100.103	n	(P-17589/89; A-13440)
250.230	n	(P-5322)	100.105	n	(P-17589/89; A-13440)
250.232	n	(P-5322)	100.106	n	(P-17589/89; A-13440)
250.233	n	(P-5322)	100.110	r	(P-17589/89; A-13440)
250.235	n	(P-5322)	100.110	n	(P-17589/89; A-13440)
250.245	n	(P-5322)	100.111	n	(P-17589/89; A-13440)
250.250	n	(P-5322)	100.113	n	(P-17589/89; A-13440)
250.250	n	(P-5322)	100.115	am	(P-17589/89; A-13440)
250.260	n	(P-5322)	100.117	n	(P-17589/89; A-13440)
250.265	n	(P-5322)	100.120	am	(P-17589/89; A-13440)
250.270	n	(P-5322)	100.130	r	(P-17589/89; A-13440)
250.280	n	(P-5322)	100.140	r	(P-17589/89; A-13440)
250.290	n	(P-5322)	100.210	r	(P-17589/89; A-13440)
250.301	n	(P-5322)	100.230	r	(P-17589/89; A-13440)
250.310	n	(P-5322)	100.240	r	(P-17589/89; A-13440)
250.315	n	(P-5322)	100.290	am	(P-17589/89; A-13440)
250.320	n	(P-5322)	100.290	am	(P-17589/89; A-13440)
250.330	n	(P-5322)	100 Ap.A	r	(P-17589/89; A-13440)
250.340	n	(P-5322)	100 Ap.B	r	(P-17589/89; A-13440)
250.341	n	(P-5322)	100 Ap.E	r	(P-17589/89; A-13440)
250.343	n	(P-5322)	100 Ap.F	n	(P-17589/89; A-13440)
250.344	n	(P-5322)	110.10	am	(P-10985)
250.345	n	(P-5322)	110.30	am	(P-10985)
250.355	n	(P-5322)	110.40	am	(P-10985)
250.358	n	(P-5322)	110.50	am	(P-10985)
250.360	n	(P-5322)	110.60	am	(P-10985)
250.370	n	(P-5322)	110.70	am	(P-10985)
250.380	n	(P-5322)	110.80	am	(P-10985)
250.390	n	(P-5322)	110.90	am	(P-10985)
250.390	n	(P-5322)	110.91	n	(P-10985)
250 Tb.A	n	(P-5322)	110.92	n	(P-10985)
250 Ap.A	n	(P-5322)	110.93	n	(P-10985)
251.10	n	(E-8194; CC-8739)	110.95	n	(P-10985)
251.20	n	(E-8194; CC-8739)	110.100	am	(P-10985)
251.30	n	(E-8194; CC-8739)	110.105	n	(P-10985)



TITLE 47 (CONT'D)		TITLE 50 (CONT'D)		TITLE 50 (CONT'D)		TITLE 50 (CONT'D)	
110.130	(P-10985)	360.503	(P-1726; A-9117) (E-2094)	909.20	am	2010.160	(P-8828)
120.115	(P-5296)	360.504	(P-1726; A-9117) (E-2094)	909.50	am	2010.170	(P-8828)
310.804	(P-13371/89; A-683)	360.505	(P-1726; A-9117) (E-2094)	909.100	#	2010.180	(P-8828)
350.101	(P-5653) (E-5827)	360.506	(P-1726; A-9117) (E-2094)	909.110	#	2010.190	(P-8828)
350.101	(P-5653) (E-5817)	360.507	(P-1726; A-9117) (E-2094)	909.120	#	2010.200	(P-8828)
350.102	(P-5653) (E-5827)	360.602	(P-1726; A-9117) (E-2094)	930.30	am	2010.210	(P-8828)
350.102	(P-5651) (E-5817)	360.603	(P-1726; A-9117) (E-2094)	930.40	am	2010.220	(P-8828)
350.103	(P-5653) (E-5827)	360.604	(P-1726; A-9117) (E-2094)	930.60	#	2010.230	(P-8828)
350.103	(P-5651) (E-5817)	360.605	(P-1726; A-9117) (E-2094)	930.80	#	2010.240	(P-8828)
350.104	(P-5653) (E-5827)	360.606	(P-1726; A-9117) (E-2094)	930.90	#	2010.250	(P-8828)
350.104	(P-5651) (E-5817)	360.701	(P-1726; A-9117) (E-2094)	938.20	am	2010.260	(P-8828)
350.201	(P-5653) (E-5827)	360.801	(P-1726; A-9117) (E-2094)	938.40	#	2010.270	(P-8828)
350.201	(P-5651) (E-5817)	360.802	(P-1726; A-9117) (E-2094)	938.50	#	2010.280	(P-8828)
350.202	(P-5653) (E-5827)	360.803	(P-1726; A-9117) (E-2094)	938.60	#	2010.290	(P-8828)
350.202	(P-5651) (E-5817)	360.804	(P-1726; A-9117) (E-2094)	938.80	#	2010.300	(P-8828)
350.203	(P-5653) (E-5827)	360.901	(P-1726; A-9117) (E-2094)	938.90	#	2010.310	(P-8828)
350.203	(P-5651) (E-5817)	360.902	(P-1726; A-9117) (E-2094)	938.90	#	2010.320	(P-8828)
350.204	(P-5653) (E-5827)	360.903	(P-1726; A-9117) (E-2094)	938.90	#	2010.330	(P-8828)
350.204	(P-5651) (E-5817)	360.904	(P-1726; A-9117) (E-2094)	938.90	#	2010.340	(P-8828)
350.205	(P-5653) (E-5827)	360.905	(P-1726; A-9117) (E-2094)	938.90	#	2010.350	(P-8828)
350.205	(P-5651) (E-5817)	360.906	(P-1726; A-9117) (E-2094)	938.90	#	2010.360	(P-8828)
350.206	(P-5653) (E-5827)	360.1001	(P-1726; A-9117) (E-2094)	938.90	#	2010.370	(P-8828)
350.206	(P-5651) (E-5817)	360.1101	(P-1726; A-9117) (E-2094)	938.90	#	2010.380	(P-8828)
350.207	(P-5653) (E-5827)	360.1102	(P-1726; A-9117) (E-2094)	938.90	#	2010.390	(P-8828)
350.207	(P-5651) (E-5817)	400.102	(P-4451) (E-4720)	938.90	#	2010.400	(P-8828)
350.208	(P-5653) (E-5827)	400.103	(P-4451) (E-4720)	938.90	#	2010.410	(P-8828)
350.208	(P-5651) (E-5817)	400.104	(P-4451) (E-4720)	938.90	#	2010.420	(P-8828)
350.209	(P-5653) (E-5827)	400.105	(P-4451) (E-4720)	938.90	#	2010.430	(P-8828)
350.209	(P-5651) (E-5817)	400.106	(P-4451) (E-4720)	938.90	#	2010.440	(P-8828)
350.210	(P-5653) (E-5827)	400.107	(P-4451) (E-4720)	938.90	#	2010.450	(P-8828)
350.211	(P-5653) (E-5827)	400.108	(P-4451) (E-4720)	938.90	#	2010.460	(P-8828)
350.212	(P-5653) (E-5827)	400.109	(P-4451) (E-4720)	938.90	#	2010.470	(P-8828)
360.101	(P-1726; A-9117) (E-2094)	400.110	(P-4451) (E-4720)	938.90	#	2010.480	(P-8828)
360.102	(P-1726; A-9117) (E-2094)	400.111	(P-4451) (E-4720)	938.90	#	2010.490	(P-8828)
360.103	(P-1726; A-9117) (E-2094)	400.112	(P-4451) (E-4720)	938.90	#	2010.500	(P-8828)
360.104	(P-1726; A-9117) (E-2094)	400.113	(P-4451) (E-4720)	938.90	#	2010.510	(P-8828)
360.105	(P-1726; A-9117) (E-2094)	400.114	(P-4451) (E-4720)	938.90	#	2010.520	(P-8828)
360.106	(P-1726; A-9117) (E-2094)	400.115	(P-4451) (E-4720)	938.90	#	2010.530	(P-8828)
360.107	(P-1726; A-9117) (E-2094)	400.116	(P-4451) (E-4720)	938.90	#	2010.540	(P-8828)
360.108	(P-1726; A-9117) (E-2094)	400.117	(P-4451) (E-4720)	938.90	#	2010.550	(P-8828)
360.109	(P-1726; A-9117) (E-2094)	400.118	(P-4451) (E-4720)	938.90	#	2010.560	(P-8828)
360.110	(P-1726; A-9117) (E-2094)	400.119	(P-4451) (E-4720)	938.90	#	2010.570	(P-8828)
360.111	(P-1726; A-9117) (E-2094)	400.120	(P-4451) (E-4720)	938.90	#	2010.580	(P-8828)
360.112	(P-1726; A-9117) (E-2094)	400.121	(P-4451) (E-4720)	938.90	#	2010.590	(P-8828)
360.113	(P-1726; A-9117) (E-2094)	400.122	(P-4451) (E-4720)	938.90	#	2010.600	(P-8828)
360.114	(P-1726; A-9117) (E-2094)	400.123	(P-4451) (E-4720)	938.90	#	2010.610	(P-8828)
360.115	(P-1726; A-9117) (E-2094)	400.124	(P-4451) (E-4720)	938.90	#	2010.620	(P-8828)
360.201	(P-1726; A-9117) (E-2094)	400.125	(P-4451) (E-4720)	938.90	#	2010.630	(P-8828)
360.202	(P-1726; A-9117) (E-2094)	400.126	(P-4451) (E-4720)	938.90	#	2010.640	(P-8828)
360.203	(P-1726; A-9117) (E-2094)	400.127	(P-4451) (E-4720)	938.90	#	2010.650	(P-8828)
360.301	(P-1726; A-9117) (E-2094)	400.128	(P-4451) (E-4720)	938.90	#	2010.660	(P-8828)
360.302	(P-1726; A-9117) (E-2094)	400.129	(P-4451) (E-4720)	938.90	#	2010.670	(P-8828)
360.303	(P-1726; A-9117) (E-2094)	400.130	(P-4451) (E-4720)	938.90	#	2010.680	(P-8828)
360.304	(P-1726; A-9117) (E-2094)	400.131	(P-4451) (E-4720)	938.90	#	2010.690	(P-8828)
360.305	(P-1726; A-9117) (E-2094)	400.132	(P-4451) (E-4720)	938.90	#	2010.700	(P-8828)
360.306	(P-1726; A-9117) (E-2094)	400.133	(P-4451) (E-4720)	938.90	#	2010.710	(P-8828)
360.307	(P-1726; A-9117) (E-2094)	400.134	(P-4451) (E-4720)	938.90	#	2010.720	(P-8828)
360.308	(P-1726; A-9117) (E-2094)	400.135	(P-4451) (E-4720)	938.90	#	2010.730	(P-8828)
360.309	(P-1726; A-9117) (E-2094)	400.136	(P-4451) (E-4720)	938.90	#	2010.740	(P-8828)
360.310	(P-1726; A-9117) (E-2094)	400.137	(P-4451) (E-4720)	938.90	#	2010.750	(P-8828)
360.401	(P-1726; A-9117) (E-2094)	400.138	(P-4451) (E-4720)	938.90	#	2010.760	(P-8828)
360.402	(P-1726; A-9117) (E-2094)	400.139	(P-4451) (E-4720)	938.90	#	2010.770	(P-8828)
360.501	(P-1726; A-9117) (E-2094)	400.140	(P-4451) (E-4720)	938.90	#	2010.780	(P-8828)
360.502	(P-1726; A-9117) (E-2094)	400.141	(P-4451) (E-4720)	938.90	#	2010.790	(P-8828)







TITLE 56 (CONT'D)			TITLE 59 (CONT'D)			TITLE 62		
2830.330	n	(P-2423; A-9101)	115.470	n	RC-10128; A-10865	200.809	n	(P-18061/89; A-3503)
2830.335	n	(P-2423; A-9101)	115.470	n	RC-15183/89; RC-10145;	200.810	n	(P-18061/89; A-3503)
2830.340	n	(P-2423; A-9101)	115.470	n	RC-10128; A-10865	200.900	n	(P-18061/89; A-3503)
2865.1	n	(P-10215)	115.470	n	(A-10865)	200.901	n	(P-18061/89; A-3503)
2865.100	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.902	n	(P-18061/89; A-3503)
2865.105	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.903	n	(P-18061/89; A-3503)
2865.110	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.904	n	(P-18061/89; A-3503)
2865.115	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.905	n	(P-18061/89; A-3503)
2865.120	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.906	n	(P-18061/89; A-3503)
2865.125	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.907	n	(P-18061/89; A-3503)
2865.130	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.908	n	(P-18061/89; A-3503)
2865.135	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.909	n	(P-18061/89; A-3503)
2865.140	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.910	n	(P-18061/89; A-3503)
2865.145	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.911	n	(P-18061/89; A-3503)
2865.205	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.912	n	(P-18061/89; A-3503)
2865.210	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.913	n	(P-18061/89; A-3503)
2865.215	n	(P-10215)	115.470	n	(P-13377/89; W-3696)	200.914	n	(P-18061/89; A-3503)
6000.10	am	(E-3235; O-5905) (P-2989)	115.225	n	(P-13377/89; W-3696)	200.914	n	(P-18061/89; A-3503)
6000.280	am	(P-2989)	115.230	n	(P-13377/89; W-3696)	200.915	n	(P-18061/89; A-3503)
6000.330	n	(P-2989)	115.235	n	(P-13377/89; W-3696)	200.916	n	(P-18061/89; A-3503)
			115.240	n	(P-13377/89; W-3696)	200.917	n	(P-18061/89; A-3503)
			115.245	n	(P-13377/89; W-3696)	200.918	n	(P-18061/89; A-3503)
			115.250	n	(P-13377/89; W-3696)	200.919	n	(P-18061/89; A-3503)
			115.255	n	(P-13377/89; W-3696)	200.920	n	(P-18061/89; A-3503)
			115.260	n	(P-13377/89; W-3696)	200.921	n	(P-18061/89; A-3503)
			115.300	n	(P-13377/89; W-3696)	200.922	n	(P-18061/89; A-3503)
			115.305	n	(P-13377/89; W-3696)	200.923	n	(P-18061/89; A-3503)
			115.310	n	(P-13377/89; W-3696)	200.924	n	(P-18061/89; A-3503)
			115.315	n	(P-13377/89; W-3696)	200.925	n	(P-18061/89; A-3503)
			115.320	n	(P-13377/89; W-3696)	200.926	n	(P-18061/89; A-3503)
			115.325	n	(P-13377/89; W-3696)	200.927	n	(P-18061/89; A-3503)
			115.330	n	(P-13377/89; W-3696)	200.928	n	(P-18061/89; A-3503)
			115.335	n	(P-13377/89; W-3696)	200.929	n	(P-18061/89; A-3503)
			115.340	n	(P-13377/89; W-3696)	200.930	n	(P-18061/89; A-3503)
			115.345	n	(P-13377/89; W-3696)	200.931	n	(P-18061/89; A-3503)
			115.350	n	(P-13377/89; W-3696)	200.932	n	(P-18061/89; A-3503)
			115.355	n	(P-13377/89; W-3696)	200.933	n	(P-18061/89; A-3503)
			115.360	n	(P-13377/89; W-3696)	200.934	n	(P-18061/89; A-3503)
			115.365	n	(P-13377/89; W-3696)	200.935	n	(P-18061/89; A-3503)
			115.370	n	(P-13377/89; W-3696)	200.936	n	(P-18061/89; A-3503)
			115.375	n	(P-13377/89; W-3696)	200.937	n	(P-18061/89; A-3503)
			115.380	n	(P-13377/89; W-3696)	200.938	n	(P-18061/89; A-3503)
			115.385	n	(P-13377/89; W-3696)	200.939	n	(P-18061/89; A-3503)
			115.390	n	(P-13377/89; W-3696)	200.940	n	(P-18061/89; A-3503)
			115.395	n	(P-13377/89; W-3696)	200.941	n	(P-18061/89; A-3503)
			115.400	n	(P-13377/89; W-3696)	200.942	n	(P-18061/89; A-3503)
			115.405	n	(P-13377/89; W-3696)	200.943	n	(P-18061/89; A-3503)
			115.410	n	(P-13377/89; W-3696)	200.944	n	(P-18061/89; A-3503)
			115.415	n	(P-13377/89; W-3696)	200.945	n	(P-18061/89; A-3503)
			115.420	n	(P-13377/89; W-3696)	200.946	n	(P-18061/89; A-3503)
			115.425	n	(P-13377/89; W-3696)	200.947	n	(P-18061/89; A-3503)
			115.430	n	(P-13377/89; W-3696)	200.948	n	(P-18061/89; A-3503)
			115.435	n	(P-13377/89; W-3696)	200.949	n	(P-18061/89; A-3503)
			115.440	n	(P-13377/89; W-3696)	200.950	n	(P-18061/89; A-3503)
			115.445	n	(P-13377/89; W-3696)	200.951	n	(P-18061/89; A-3503)
			115.450	n	(P-13377/89; W-3696)	200.952	n	(P-18061/89; A-3503)
			115.455	n	(P-13377/89; W-3696)	200.953	n	(P-18061/89; A-3503)
			115.460	n	(P-13377/89; W-3696)	200.954	n	(P-18061/89; A-3503)
			115.465	n	(P-13377/89; W-3696)	200.955	n	(P-18061/89; A-3503)
			115.470	n	(P-13377/89; W-3696)	200.956	n	(P-18061/89; A-3503)
			115.475	n	(P-13377/89; W-3696)	200.957	n	(P-18061/89; A-3503)
			115.480	n	(P-13377/89; W-3696)	200.958	n	(P-18061/89; A-3503)
			115.485	n	(P-13377/89; W-3696)	200.959	n	(P-18061/89; A-3503)
			115.490	n	(P-13377/89; W-3696)	200.960	n	(P-18061/89; A-3503)
			115.495	n	(P-13377/89; W-3696)	200.961	n	(P-18061/89; A-3503)
			115.500	n	(P-13377/89; W-3696)	200.962	n	(P-18061/89; A-3503)
			115.505	n	(P-13377/89; W-3696)	200.963	n	(P-18061/89; A-3503)
			115.510	n	(P-13377/89; W-3696)	200.964	n	(P-18061/89; A-3503)
			115.515	n	(P-13377/89; W-3696)	200.965	n	(P-18061/89; A-3503)
			115.520	n	(P-13377/89; W-3696)	200.966	n	(P-18061/89; A-3503)
			115.525	n	(P-13377/89; W-3696)	200.967	n	(P-18061/89; A-3503)
			115.530	n	(P-13377/89; W-3696)	200.968	n	(P-18061/89; A-3503)
			115.535	n	(P-13377/89; W-3696)	200.969	n	(P-18061/89; A-3503)
			115.540	n	(P-13377/89; W-3696)	200.970	n	(P-18061/89; A-3503)
			115.545	n	(P-13377/89; W-3696)	200.971	n	(P-18061/89; A-3503)
			115.550	n	(P-13377/89; W-3696)	200.972	n	(P-18061/89; A-3503)
			115.555	n	(P-13377/89; W-3696)	200.973	n	(P-18061/89; A-3503)
			115.560	n	(P-13377/89; W-3696)	200.974	n	(P-18061/89; A-3503)
			115.565	n	(P-13377/89; W-3696)	200.975	n	(P-18061/89; A-3503)
			115.570	n	(P-13377/89; W-3696)	200.976	n	(P-18061/89; A-3503)
			115.575	n	(P-13377/89; W-3696)	200.977	n	(P-18061/89; A-3503)
			115.580	n	(P-13377/89; W-3696)	200.978	n	(P-18061/89; A-3503)
			115.585	n	(P-13377/89; W-3696)	200.979	n	(P-18061/89; A-3503)
			115.590	n	(P-13377/89; W-3696)	200.980	n	(P-18061/89; A-3503)
			115.595	n	(P-13377/89; W-3696)	200.981	n	(P-18061/89; A-3503)
			115.600	n	(P-13377/89; W-3696)	200.982	n	(P-18061/89; A-3503)
			115.605	n	(P-13377/89; W-3696)	200.983	n	(P-18061/89; A-3503)
			115.610	n	(P-13377/89; W-3696)	200.984	n	(P-18061/89; A-3503)
			115.615	n	(P-13377/89; W-3696)	200.985	n	(P-18061/89; A-3503)
			115.620	n	(P-13377/89; W-3696)	200.986	n	(P-18061/89; A-3503)
			115.625	n	(P-13377/89; W-3696)	200.987	n	(P-18061/89; A-3503)
			115.630	n	(P-13377/89; W-3696)	200.988	n	(P-18061/89; A-3503)
			115.635	n	(P-13377/89; W-3696)	200.989	n	(P-18061/89; A-3503)
			115.640	n	(P-13377/89; W-3696)	200.990	n	(P-18061/89; A-3503)
			115.645	n	(P-13377/89; W-3696)	200.991	n	(P-18061/89; A-3503)
			115.650	n	(P-13377/89; W-3696)	200.992	n	(P-18061/89; A-3503)
			115.655	n	(P-13377/89; W-3696)	200.993	n	(P-18061/89; A-3503)
			115.660	n	(P-13377/89; W-3696)	200.994	n	(P-18061/89; A-3503)
			115.665	n	(P-13377/89; W-3696)	200.995	n	(P-18061/89; A-3503)
			115.670	n	(P-13377/89; W-3696)	200.996	n	(P-18061/89; A-3503)
			115.675	n	(P-13377/89; W-3696)	200.997	n	(P-18061/89; A-3503)
			115.680	n	(P-13377/89; W-3696)	200.998	n	(P-18061/89; A-3503)
			115.685	n	(P-13377/89; W-3696)	200.999	n	(P-18061/89; A-3503)
			115.690	n	(P-13377/89; W-3696)	201.000	n	(P-18061/89; A-3503)
			115.695	n	(P-13377/89; W-3696)	201.001	n	(P-18061/89; A-3503)
			115.700	n	(P-13377/89; W-3696)	201.002	n	(P-18061/89; A-3503)
			115.705	n	(P-13377/89; W-3696)	201.003	n	(P-18061/89; A-3503)
			115.710	n	(P-13377/89; W-3696)	201.004	n	(P-18061/89; A-3503)
			115.715	n	(P-13377/89; W-3696)	201.005	n	(P-18061/89; A-3503)
			115.720	n	(P-13377/89; W-3696)	201.006	n	(P-18061/89; A-3503)
			115.725	n	(P-13377/89; W-3696)	201.007	n	(P-18061/89; A-3503)
			115.730	n	(P-13377/89; W-3696)	201.008	n	(P-18061/89; A-3503)
			115.735	n	(P-13377/89; W-3696)	201.009	n	(P-18061/89; A-3503)
			115.740	n	(P-13377/89; W-3696)	201.010	n	(P-18061/89; A-3503)
			115.745	n	(P-13377/89; W-3696)	201.011	n	(P-18061/89; A-3503)
			115.750	n	(P-13377/89; W-3696)	201.012	n	(P-18061/89; A-3503)
			115.755	n	(P-13377/89; W-3696)	201.013	n	(P-18061/89; A-3503)
			115.760	n	(P-13377/89; W-3696)	201.014	n	(P-18061/89; A-3503)
			115.765	n	(P-13377/89; W-3696)	201.015	n	(P-18061/89; A-3503)
			115.770	n	(P-13377/89; W-3696)	201.016	n	(P-18061/89; A-3503)
			115.775	n	(P-13377/89; W-3696)	201.017	n	(P-18061/89; A-3503)
			115.780	n	(P-13377/89; W-3696)	201.018	n	(P-18061/89; A-3503)
			115.785	n	(P-13377/89; W-3696)	201.019	n	(P-18061/89; A-3503)
			115.790	n	(P-13377/89; W-3696)	201.020	n	(P-18061/89; A-3503)
			115.795	n	(P-13377/89; W-3696)	201.021	n	(P-18061/89; A-3503)
			115.800	n	(P-13377/89; W-3696)	201.022	n	(P-18061/89; A-3503)
			115.805	n	(P-13377/89; W-3696)	201.023	n	(P-18061/89; A-3503)
			115.81					



TITLE 62 (CONT'D)	
240.630	re
240.640	re
240.640	am
240.650	re
240.650	re
240.660	re
240.665	n
240.710	re
240.720	re
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240.750	re
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240.990	re
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240.1110	r
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240.1120	r
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240.1130	n
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240.1140	n
240.1140	r
240.1150	r
240.1150	n
240.1151	n
240.1160	r
240.1170	r
240.1170	n
240.1180	r
240.1180	n
240.1190	am
300.40	am
300.40	am
1700.11	am
1701.Ap.A	am
1761.11	am
1761.11	am
1772.12	am
1773.5	n
1773.11	am
1773.15	am
1773.17	am
1773.19	am
1773.20	n
1773.21	n
1773.21	am
1774.15	am
1774.17	am
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1780.16	am
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2005.60	2005.60
2005.70	2005.70
2005.80	2005.80
2005.90	2005.90
<b>TITLE 74</b>	
290.1203	290.1203
290.1204	290.1204
290.1205	290.1205
290.1206	290.1206
290.1207	290.1207
290.1209	290.1209
290.1210	290.1210
290.1211	290.1211
290.Ap.A	290.Ap.A
290.Ap.B	290.Ap.B
420.420	420.420
<b>TITLE 77</b>	
205.120	205.120
205.125	205.125
205.350	205.350
205.520	205.520
205.540	205.540
205.710	205.710
205.710	205.710
205.720	205.720
205.730	205.730
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205.760	205.760
205.1380	205.1380
240.20	240.20
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250.150	250.150
250.160	250.160
250.315	250.315
250.330	250.330
250.1870	250.1870
250.2140	250.2140
300.330	300.330
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300.2110	300.2110
300.2210	300.2210
300.2230	300.2230
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A-4515; M-12935; A-12  
P-2913/89; O-4754; A-12  
PF-PF-4760; M-12935; A-1  
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(P-2913/89; A-4515)  
(P-15640/89; RC-2131;  
A-7228)  
(P-15640/89; O-2124;  
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1783.12	1783.20	1784.14	1784.17	1784.21	1800.21	1800.40	1800.60	1816.49	1816.64	1816.67	1816.68	1816.83	1816.97	1816.99	1816.102	1817.49	1817.64	1817.66	1817.67	1817.68	1817.83	1817.97	1817.122	1843.11	1846.1	1846.5	1846.12	1846.14	1846.17	1846.18
TITLE 68		690.10	690.20	690.30	690.40	690.50	690.60	690.80	690.90	690.100	690.110	690.120	690.130	690.140	690.150	690.160	690.170	690.180	690.190	690.200	690.210	690.220	690.230	690.240	690.250	690.260	690.270	1240.10	1240.15	

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TITLE 77 (CONT'D)

300.3120	(P-2261)	am	(P-9883)	390.3220	am	590.20	n	(P-8503)	615.510	am	(P-10137/89; A-805)
300.3130	(P-2261)	am	(P-9883)	390.3240	am	590.20	n	(P-8493)	615.520	am	(P-10137/89; A-805)
300.3220	(P-9957)	am	(P-10648)	390.3260	am	590.30	r	(P-8503)	615.530	am	(P-10137/89; A-805)
300.3240	(P-9957)	am	(P-10648)	400.100	n	590.30	n	(P-8493)	615.540	am	(P-10060/89; A-11219)
300.3260	(P-9957)	am	(P-10648)	400.110	n	590.40	r	(P-8503)	630.10	am	(P-10060/89; A-11219)
300.3300	(P-9920)	am	(P-10648)	400.120	n	590.40	r	(P-8503)	630.20	am	(P-10060/89; A-11219)
300.3350	(P-9920)	am	(P-10648)	400.130	n	590.50	r	(P-8493)	630.25	n	(P-10060/89; A-11219)
300.3913	(P-9920)	am	(P-10648)	450.20	am	590.100	r	(P-8493)	630.30	am	(P-10060/89; A-11219)
330.1110	(P-9920)	am	(P-10648)	450.20	am	590.100	r	(P-8503)	630.30	am	(P-10060/89; A-11219)
330.2010	(P-1827)	am	(P-10648)	450.20	am	590.100	r	(P-8493)	630.40	am	(P-10060/89; A-11219)
330.2210	(P-1827)	am	(P-10648)	450.20	am	590.100	r	(P-8503)	630.50	am	(P-10060/89; A-11219)
330.2230	(P-1827)	am	(P-10648)	510.40	am	590.110	n	(P-8493)	630.60	am	(P-10060/89; A-11219)
330.2420	(P-1827)	am	(P-10648)	510.50	r	590.120	r	(P-8503)	630.70	am	(P-10060/89; A-11219)
330.3060	(P-1827)	am	(P-10648)	510.70	am	590.120	n	(P-8493)	630.80	am	(P-10060/89; A-11219)
330.3160	(P-1827)	am	(P-10648)	510.100	am	590.130	r	(P-8503)	630.90	am	(P-10060/89; A-11219)
330.3620	(P-1827)	am	(P-10648)	510.110	am	590.130	n	(P-8493)	630.100	am	(P-10060/89; A-11219)
330.3690	(P-1827)	am	(P-10648)	510.130	am	590.140	r	(P-8503)	630.110	am	(P-10060/89; A-11219)
330.3720	(P-1827)	am	(P-10648)	535.10	am	590.140	n	(P-8493)	630.120	am	(P-10060/89; A-11219)
330.4220	(P-1827)	am	(P-10648)	535.20	am	590.200	n	(P-8503)	630.130	am	(P-10060/89; A-11219)
330.4240	(P-9920)	am	(P-10648)	535.100	am	590.210	n	(P-8493)	630.140	am	(P-10060/89; A-11219)
330.4260	(P-9920)	am	(P-10648)	535.110	am	590.220	n	(P-8503)	630.150	am	(P-10060/89; A-11219)
350.110	(P-2210)	am	(P-10648)	535.120	am	590.230	n	(P-8493)	630.160	am	(P-10060/89; A-11219)
350.120	(P-2210)	am	(P-10648)	535.150	am	590.240	n	(P-8503)	630.170	am	(P-10060/89; A-11219)
350.330	(P-2210)	am	(P-10648)	535.200	am	590.300	n	(E-8725; O-13042) (P-8503)	630.180	am	(P-10060/89; A-11219)
350.330	(P-2210)	am	(P-10648)	535.210	am	590.310	n	(E-8725; O-13042) (P-8503)	630.190	am	(P-10060/89; A-11219)
350.680	(P-9833)	am	(P-10648)	535.265	am	590.320	n	(E-8725; O-13042) (P-8503)	630.200	am	(P-10060/89; A-11219)
350.1220	(P-9833)	am	(P-10648)	535.300	am	590.330	n	(E-8725; O-13042) (P-8503)	630.210	am	(P-10060/89; A-11219)
350.1910	(P-2210)	am	(P-10648)	535.310	am	590.400	n	(E-8725; O-13042) (P-8503)	630.2p.A	n	(P-10060/89; A-11219)
350.2010	(P-2210)	am	(P-10648)	535.320	am	590.410	n	(E-8725; O-13042) (P-8503)	630.2p.B	n	(P-10060/89; A-11219)
350.2030	(P-2210)	am	(P-10648)	535.330	am	590.420	n	(E-8725; O-13042) (P-8503)	630.2p.C	n	(P-10060/89; A-11219)
350.2220	(P-2210)	am	(P-10648)	535.335	am	590.420	n	(E-8725; O-13042) (P-8503)	630.2p.D	n	(P-10060/89; A-11219)
350.2720	(P-2210)	am	(P-10648)	535.350	r	590.4p.A	n	(P-8503)	630.2p.E	n	(P-10060/89; A-11219)
350.2730	(P-2210)	am	(P-10648)	535.400	am	590.4p.B	n	(P-8503)	635.20	am	(P-7858)
350.3020	(P-2210)	am	(P-10648)	535.410	am	590.4p.C	n	(E-8725; O-13042) (P-8503)	635.30	am	(P-7858)
350.3030	(P-2210)	am	(P-10648)	535.420	am	600.110	r	(E-8725; O-13042) (P-8503)	635.35	n	(P-7858)
350.3220	(P-9833)	am	(P-10648)	535.430	am	600.120	am	(P-10035/89; A-840)	635.40	am	(P-7858)
350.3230	(P-2210)	am	(P-10648)	535.432	n	600.230	am	(P-10035/89; A-840)	635.50	am	(P-7858)
350.3240	(P-9833)	am	(P-10648)	535.440	am	600.250	am	(P-10035/89; A-840)	635.60	am	(P-7858)
350.3260	(P-9833)	am	(P-10648)	535.450	r	600.510	am	(P-10035/89; A-840)	635.70	am	(P-7858)
350.3710	(P-9833)	am	(P-10648)	535.500	am	600.900	am	(P-10035/89; A-840)	635.80	am	(P-7858)
350.3720	(P-9833)	am	(P-10648)	535.510	am	600.910	r	(P-10035/89; A-840)	635.90	am	(P-7858)
350.3730	(P-9833)	am	(P-10648)	535.520	am	600.910	#	(P-10035/89; A-840)	635.110	am	(P-7858)
350.3750	(P-9833)	am	(P-10648)	535.530	am	600.920	r	(P-10035/89; A-840)	635.130	am	(P-7858)
350.3770	(P-9833)	am	(P-10648)	535.532	n	600.920	r	(P-10035/89; A-840)	635.140	am	(P-7858)
350.3780	(P-9833)	am	(P-10648)	535.540	am	600.930	r	(P-10035/89; A-840)	635.150	am	(P-7858)
350.3810	(P-9833)	am	(P-10648)	535.540	am	600.930	#	(P-10035/89; A-840)	635.160	am	(P-7858)
350.3880	(P-9833)	am	(P-10648)	535.550	r	600.930	r	(P-10035/89; A-840)	635.170	am	(P-7858)
350.3900	(P-9833)	am	(P-10648)	535.650	am	600.1100	am	(P-10035/89; A-840)	635.180	am	(P-7858)
350.3940	(P-9833)	am	(P-10648)	535.750	am	600.1110	am	(P-10035/89; A-840)	635.190	am	(P-7858)
350.4010	(P-9833)	am	(P-10648)	535.900	am	600.1120	am	(P-10035/89; A-840)	635.190	n	(P-7858)
350.4010	(P-9833)	am	(P-10648)	535.920	am	600.1130	am	(P-10035/89; A-840)	635.190	n	(P-7858)
350.7b.D	(P-9833)	am	(P-10648)	540.35	n	600.1140	am	(P-10035/89; A-840)	635.190	n	(P-7858)
350.7b.E	(P-9833)	am	(P-10648)	540.65	n	600.1400	am	(P-10035/89; A-840)	635.190	n	(P-7858)
390.330	(P-9883)	am	(P-10665)	540.90	am	615.100	r	(P-10137/89; A-805)	635.190	n	(P-7858)
390.1030	(P-9883)	am	(P-10665)	540.100	am	615.110	am	(P-10137/89; A-805)	640.10	r	(P-2413/89; A-12747)
390.1920	(P-2237)	am	(P-10665)	540.200	n	615.140	r	(P-10137/89; A-805)	640.10	r	(P-2413/89; A-12747)
390.2010	(P-2237)	am	(P-10665)	540.210	n	615.150	am	(P-10137/89; A-805)	640.20	r	(P-2413/89; A-12747)
390.2030	(P-2237)	am	(P-10665)	550.100	n	615.160	am	(P-10137/89; A-805)	640.20	n	(P-12433/89; A-12749)
390.2220	(P-2237)	am	(P-10665)	550.110	n	615.200	am	(P-10137/89; A-805)	640.25	n	(P-12433/89; A-12749)
390.2720	(P-2237)	am	(P-10665)	550.120	n	615.310	am	(P-10137/89; A-805)	640.30	r	(P-12433/89; A-12749)
390.2730	(P-2237)	am	(P-10665)	550.130	n	615.320	am	(P-10137/89; A-805)	640.30	n	(P-12433/89; A-12749)
390.2990	(P-2237)	am	(P-10665)	590.10	r	615.330	am	(P-10137/89; A-805)	640.40	r	(P-12433/89; A-12749)
390.3020	(P-2237)	am	(P-8503)	590.10	n	615.360	am	(P-10137/89; A-805)	640.40	n	(P-12433/89; A-12749)
390.3030	(P-2237)	am	(P-8493)	590.20	r	615.370	am	(P-10137/89; A-805)	640.41	n	(P-12433/89; A-12749)











[illegible]







TITLE 83 (CONT'D)

n	285.4005	285.4010	285.4015	285.4020	285.4025	285.5000	285.5005	285.5010	285.5015	285.5020	285.5025	285.5x.A	285.5x.B	285.5x.C	285.5x.D	285.5x.E	410.360	445.10	445.20	445.30	445.40	445.50	445.60	445.70	445.80	500.335	505.10	510.10	510.15	755.10	755.210	757.10	757.210	757.300	757.310	757.320	757.330	757.340	757.350	757.355	757.400	757.410	757.415	757.5x.B	757.5x.C	757.5x.D	757.5x.D	760.20	780.5	780.10	780.20	780.30	780.35	780.40	780.45	780.5	780.55	780.6	780.65	780.7	780.75	780.8	780.85	780.9	780.95	780.100	780.105	780.110	780.115	780.120	780.125	780.130	780.135	780.140	780.145	780.150	780.155	780.160	780.165	780.170	780.175	780.180	780.185	780.190	780.195	780.200	780.205	780.210	780.215	780.220	780.225	780.230	780.235	780.240	780.245	780.250	780.255	780.260	780.265	780.270	780.275	780.280	780.285	780.290	780.295	780.300	780.305	780.310	780.315	780.320	780.325	780.330	780.335	780.340	780.345	780.350	780.355	780.360	780.365	780.370	780.375	780.380	780.385	780.390	780.395	780.400	780.405	780.410	780.415	780.420	780.425	780.430	780.435	780.440	780.445	780.450	780.455	780.460	780.465	780.470	780.475	780.480	780.485	780.490	780.495	780.500	780.505	780.510	780.515	780.520	780.525	780.530	780.535	780.540	780.545	780.550	780.555	780.560	780.565	780.570	780.575	780.580	780.585	780.590	780.595	780.600	780.605	780.610	780.615	780.620	780.625	780.630	780.635	780.640	780.645	780.650	780.655	780.660	780.665	780.670	780.675	780.680	780.685	780.690	780.695	780.700	780.705	780.710	780.715	780.720	780.725	780.730	780.735	780.740	780.745	780.750	780.755	780.760	780.765	780.770	780.775	780.780	780.785	780.790	780.795	780.800	780.805	780.810	780.815	780.820	780.825	780.830	780.835	780.840	780.845	780.850	780.855	780.860	780.865	780.870	780.875	780.880	780.885	780.890	780.895	780.900	780.905	780.910	780.915	780.920	780.925	780.930	780.935	780.940	780.945	780.950	780.955	780.960	780.965	780.970	780.975	780.980	780.985	780.990	780.995	900.100
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**TITLE 86 (CONT'D)**

140.125	r	140.126	r	140.127	r	140.128	r	140.129	r	140.130	r	140.131	r	140.132	r	140.133	r	140.134	r	140.135	r	140.136	r	140.137	r	140.138	r	140.139	r	140.140	r	140.141	r	140.142	r	140.143	r	140.144	r	140.145	r	140.146	r	140.147	r	140.148	r	140.149	r	140.150	r	140.151	r	140.152	r	140.153	r	140.154	r	140.155	r	140.156	r	140.157	r	140.158	r	140.159	r	140.160	r	140.161	r	140.162	r	140.163	r	140.164	r	140.165	r	140.166	r	140.167	r	140.168	r	140.169	r	140.170	r	140.171	r	140.172	r	140.173	r	140.174	r	140.175	r	140.176	r	140.177	r	140.178	r	140.179	r	140.180	r	140.181	r	140.182	r	140.183	r	140.184	r	140.185	r	140.186	r	140.187	r	140.188	r	140.189	r	140.190	r	140.191	r	140.192	r	140.193	r	140.194	r	140.195	r	140.196	r	140.197	r	140.198	r	140.199	r	140.200	r	140.201	r	140.202	r	140.203	r	140.204	r	140.205	r	140.206	r	140.207	r	140.208	r	140.209	r	140.210	r	140.211	r	140.212	r	140.213	r	140.214	r	140.215	r	140.216	r	140.217	r	140.218	r	140.219	r	140.220	r	140.221	r	140.222	r	140.223	r	140.224	r	140.225	r	140.226	r	140.227	r	140.228	r	140.229	r	140.230	r	140.231	r	140.232	r	140.233	r	140.234	r	140.235	r	140.236	r	140.237	r	140.238	r	140.239	r	140.240	r	140.241	r	140.242	r	140.243	r	140.244	r	140.245	r	140.246	r	140.247	r	140.248	r	140.249	r	140.250	r	140.251	r	140.252	r	140.253	r	140.254	r	140.255	r	140.256	r	140.257	r	140.258	r	140.259	r	140.260	r	140.261	r	140.262	r	140.263	r	140.264	r	140.265	r	140.266	r	140.267	r	140.268	r	140.269	r	140.270	r	140.271	r	140.272	r	140.273	r	140.274	r	140.275	r	140.276	r	140.277	r	140.278	r	140.279	r	140.280	r	140.281	r	140.282	r	140.283	r	140.284	r	140.285	r	140.286	r	140.287	r	140.288	r	140.289	r	140.290	r	140.291	r	140.292	r	140.293	r	140.294	r	140.295	r	140.296	r	140.297	r	140.298	r	140.299	r	140.300	r	140.301	r	140.302	r	140.303	r	140.304	r	140.305	r	140.306	r	140.307	r	140.308	r	140.309	r	140.310	r	140.311	r	140.312	r	140.313	r	140.314	r	140.315	r	140.316	r	140.317	r	140.318	r	140.319	r	140.320	r	140.321	r	140.322	r	140.323	r	140.324	r	140.325	r	140.326	r	140.327	r	140.328	r	140.329	r	140.330	r	140.331	r	140.332	r	140.333	r	140.334	r	140.335	r	140.336	r	140.337	r	140.338	r	140.339	r	140.340	r	140.341	r	140.342	r	140.343	r	140.344	r	140.345	r	140.346	r	140.347	r	140.348	r	140.349	r	140.350	r	140.351	r	140.352	r	140.353	r	140.354	r	140.355	r	140.356	r	140.357	r	140.358	r	140.359	r	140.360	r	140.361	r	140.362	r	140.363	r	140.364	r	140.365	r	140.366	r	140.367	r	140.368	r	140.369	r	140.370	r	140.371	r	140.372	r	140.373	r	140.374	r	140.375	r	140.376	r	140.377	r	140.378	r	140.379	r	140.380	r	140.381	r	140.382	r	140.383	r	140.384	r	140.385	r	140.386	r	140.387	r	140.388	r	140.389	r	140.390	r	140.391	r	140.392	r	140.393	r	140.394	r	140.395	r	140.396	r	140.397	r	140.398	r	140.399	r	140.400	r	140.401	r	140.402	r	140.403	r	140.404	r	140.405	r	140.406	r	140.407	r	140.408	r	140.409	r	140.410	r	140.411	r	140.412	r	140.413	r	140.414	r	140.415	r	140.416	r	140.417	r	140.418	r	140.419	r	140.420	r	140.421	r	140.422	r	140.423	r	140.424	r	140.425	r	140.426	r	140.427	r	140.428	r	140.429	r	140.430	r	140.431	r	140.432	r	140.433	r	140.434	r	140.435	r	140.436	r	140.437	r	140.438	r	140.439	r	140.440	r	140.441	r	140.442	r	140.443	r	140.444	r	140.445	r	140.446	r	140.447	r	140.448	r	140.449	r	140.450	r	140.451	r	140.452	r	140.453	r	140.454	r	140.455	r	140.456	r	140.457	r	140.458	r	140.459	r	140.460	r	140.461	r	140.462	r	140.463	r	140.464	r	140.465	r	140.466	r	140.467	r	140.468	r	140.469	r	140.470	r	140.471	r	140.472	r	140.473	r	140.474	r	140.475	r	140.476	r	140.477	r	140.478	r	140.479	r	140.480	r	140.481	r	140.482	r	140.483	r	140.484	r	140.485	r	140.486	r	140.487	r	140.488	r	140.489	r	140.490	r	140.491	r	140.492	r	140.493	r	140.494	r	140.495	r	140.496	r	140.497	r	140.498	r	140.499	r	140.500	r	140.501	r	140.502	r	140.503	r	140.504	r	140.505	r	140.506	r	140.507	r	140.508	r	140.509	r	140.510	r	140.511	r	140.512	r	140.513	r	140.514	r	140.515	r	140.516	r	140.517	r	140.518	r	140.519	r	140.520	r	140.521	r	140.522	r	140.523	r	140.524	r	140.525	r	140.526	r	140.527	r	140.528	r	140.529	r	140.530	r	140.531	r	140.532	r	140.533	r	140.534	r	140.535	r	140.536	r	140.537	r	140.538	r	140.539	r	140.540	r	140.541	r	140.542	r	140.543	r	140.544	r	140.545	r	140.546	r	140.547	r	140.548	r	140.549	r	140.550	r	140.551	r	140.552	r	140.553	r	140.554	r	140.555	r	140.556	r	140.557	r	140.558	r	140.559	r	140.560	r	140.561	r	140.562	r	140.563	r	140.564	r	140.565	r	140.566	r	140.567	r	140.568	r	140.569	r	140.570	r	140.571	r	140.572	r	140.573	r	140.574	r	140.575	r	140.576	r	140.577	r	140.578	r	140.579	r	140.580	r	140.581	r	140.582	r	140.583	r	140.584	r	140.585	r	140.586	r	140.587	r	140.588	r	140.589	r	140.590	r	140.591	r	140.592	r	140.593	r	140.594	r	140.595	r	140.596	r	140.597	r	140.598	r	140.599	r	140.600	r	140.601	r	140.602	r	140.603	r	140.604	r	140.605	r	140.606	r	140.607	r	140.608	r	140.609	r	140.610	r	140.611	r	140.612	r	140.613	r	140.614	r	140.615	r	140.616	r	140.617	r	140.618	r	140.619	r	140.620	r	140.621	r	140.622	r	140.623	r	140.624	r	140.625	r	140.626	r	140.627	r	140.628	r	140.629	r	140.630	r	140.631	r	140.632	r	140.633	r	140.634	r	140.635	r	140.636	r	140.637	r	140.638	r	140.639	r	140.640	r	140.641	r	140.642	r	140.643	r	140.644	r	140.645	r	140.646	r	140.647	r	140.648	r	140.649	r	140.650	r	140.651	r	140.652	r	140.653	r	140.654	r	140.655	r	140.656	r	140.657	r	140.658	r	140.659	r	140.660	r	140.661	r	140.662	r	140.663	r	140.664	r	140.665	r	140.666	r	140.667	r	140.668	r	140.669	r	140.670	r	140.671	r	140.672	r	140.673	r	140.674	r	140.675	r	140.676	r	140.677	r	140.678	r	140.679	r	140.680	r	140.681	r	140.682	r	140.683	r	140.684	r	140.685	r	140.686	r	140.687	r	140.688	r	140.689	r	140.690	r	140.691	r	140.692	r	140.693	r	140.694	r	140.695	r	140.696	r	140.697	r	140.698	r	140.699	r	140.700	r	140.701	r	140.702	r	140.703	r	140.704	r	140.705	r	140.706	r	140.707	r	140.708	r	140.709	r	140.710	r	140.711	r	140.712	r	140.713	r	140.714	r	140.715	r	140.716	r	140.717	r	140.718	r	140.719	r	140.720	r	140.721	r	140.722	r	140.723	r	140.724	r	140.725	r	140.726	r	140.727	r	140.728	r	140.729	r	140.730	r	140.731	r	140.732	r	140.733	r	140.734	r	140.735	r	140.736	r	140.737	r	140.738	r	140.739	r	140.740	r	140.741	r	140.742	r	140.743	r	140.744	r	140.745	r	140.746	r	140.747	r	140.748	r	140.749	r	140.750	r	140.751	r	140.752	r	140.753	r	140.754	r	140.755	r	140.756	r	140.757	r	140.758	r	140.759	r	140.760	r	140.761	r	140.762	r	140.763	r	140.764	r	140.765	r	140.766	r	140.767	r	140.768	r	140.769	r	140.770	r	140.771	r	140.772	r	140.773	r	140.774	r	140.775	r	140.776	r	140.777	r	140.778	r	140.779	r	140.780	r	140.781	r	140.782	r	140.783	r	140.784	r	140.785	r	140.786	r	140.787	r	140.788	r	140.789	r	140.790	r	140.791	r	140.792	r	140.793	r	140.794	r	140.795	r	140.796	r	140.797	r	140.798	r	140.799	r	140.800	r	140.801	r	140.802	r	140.803	r	140.804	r	140.805	r	140.806	r	140.807	r	140.808	r	140.809	r	140.810	r	140.811	r	140.812	r	140.813	r	140.814	r	140.815	r	140.816	r	140.817	r	140.818	r	140.819	r	140.820	r	140.821	r	140.822	r	140.823	r	140.824	r	140.825	r	140.826	r	140.827	r	140.828	r	140.829	r	140.830	r	140.831	r	140.832	r	140.833	r	140.834	r	140.835	r	140.836	r	140.837	r	140.838	r	140.839	r	140.840	r	140.841	r	140.842	r	140.843	r	140.844	r	140.845	r	140.846	r	140.847	r	140.848	r	140.849	r	140.850	r	140.851	r	140.852	r	14
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**TITLE 89**

102.70	103.10	104.102
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TITLE 89 (CONT'D)			TITLE 89 (CONT'D)		
112.360	n	(P-1123; O-12962)	121.61	am	(P-5935; A-13202)
112.362	n	(P-1123; O-12962; R-13867;	121.63	am	(P-9317)
		A-13652)	121.70	am	(P-13503/89; A-729)
112.364	n	(P-1123; O-12962; R-13867;	121.72	am	(P-13503/89; A-729)
		A-13652)	121.92	am	(P-548; A-6349)
112.366	n	(P-1123; O-12962; R-13867;	121.92	am	(P-13503/89; A-729)
		A-13652)	121.92	am	(P-548; A-6349)
112.400	n	(P-1123; O-12962; R-13867;	130.200	am	(P-13503/89; A-729)
		A-13652)	130.200	am	(P-13503/89; A-729)
112.402	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.404	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.406	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.408	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.410	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.412	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.414	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.416	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
112.418	n	(P-1123; O-12962; R-13867;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
113.9	am	(P-2811; O-12983; R-13361;	140.7	am	(P-13503/89; A-729)
		A-13652)	140.7	am	(P-13503/89; A-729)
113.140	am	(P-9806)	140.7	am	(P-13503/89; A-729)
113.141	am	(P-9307)	140.7	am	(P-13503/89; A-729)
113.154	am	(P-19130/89; A-6321)	140.7	am	(P-13503/89; A-729)
113.155	am	(P-19130/89; A-6321)	140.7	am	(P-13503/89; A-729)
113.253	am	(P-163; A-6321)	140.7	am	(P-13503/89; A-729)
113.260	am	(P-14263/89; A-720) (P-163;	140.7	am	(P-13503/89; A-729)
		A-6321)	140.7	am	(P-13503/89; A-729)
113.261	n	(P-7813)	140.7	am	(P-13503/89; A-729)
114.9	am	(P-2821; O-12994)	140.7	am	(P-13503/89; A-729)
114.85	n	(P-7015; A-13215)	140.7	am	(P-13503/89; A-729)
114.130	am	(P-16691/89; A-3640)	140.7	am	(P-13503/89; A-729)
114.140	am	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.210	am	(P-4070; A-10929)	140.7	am	(P-13503/89; A-729)
114.235	am	(P-5713; O-13005)	140.7	am	(P-13503/89; A-729)
114.241	am	(P-5713; O-13005)	140.7	am	(P-13503/89; A-729)
114.250	am	(P-9815)	140.7	am	(P-13503/89; A-729)
114.251	am	(P-4070; A-10929)	140.7	am	(P-13503/89; A-729)
114.270	am	(P-19146/89; A-6360)	140.7	am	(P-13503/89; A-729)
114.351	am	(P-14764/89; A-746)	140.7	am	(P-13503/89; A-729)
114.352	am	(P-14764/89; A-746)	140.7	am	(P-13503/89; A-729)
114.353	am	(P-14764/89; A-746)	140.7	am	(P-13503/89; A-729)
114.402	am	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.430	am	(P-5945; O-13008)	140.7	am	(P-13503/89; A-729)
114.450	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.452	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.454	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.456	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.458	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.460	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.462	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.464	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.466	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)
114.500	n	(P-5385; A-13777)	140.7	am	(P-13503/89; A-729)



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141.4240	(P-17665/89; A-3595)	160.65	(P-12148)	am	562.30	am	(P-14313/89; A-1466) (P-9379)
141.4360	(P-17665/89; A-3595) (P-2465; A-9464) (E-2657) (P-12202)	160.70	(P-12148)	am	567.20	am	(P-12731)
	(E-12278) (E-4360) (P-12714)	160.100	(P-12148)	am	567.30	am	(P-12731)
141.4440	(P-12714) (P-12202)	160.110	(P-12148)	am	572.60	am	(P-5969)
141.4520	(P-12714) (E-12910)	160.120	(P-12148)	am	572.90	am	(P-5969)
141.4600	(P-12714) (E-12910)	160.130	(P-12148)	am	587.50	am	(P-16719/89; A-6785)
141.4640	(P-17665/89; A-3595) (P-2465; A-9464) (E-2657) (P-12202)	160.132	(P-12148)	am	587.70	am	(P-16719/89; A-6785)
	(E-12278)	160.134	(P-12148)	am	587.100	r	(P-16719/89; A-6785)
		160.136	(P-12148)	am	587.105	n	(P-11736)
		160.138	(P-12148)	am	587.110	n	(P-11736)
		170.50	(P-13124)	r	587.1120	am	(P-11736)
141.4760	(P-17665/89; A-3595)	230.45	(P-14499/89; A-2308)	am	587.600	am	(P-16719/89; A-6785)
144.1	(P-11999/89; A-4166)	240.220	(P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)	am	592.30	am	(P-14338/89; A-1473)
144.5	(P-11999/89; A-4166)	240.715	(P-1077; A-10732)	am	592.50	am	(P-14338/89; A-1473)
144.25	(P-11999/89; A-4166)	240.720	(P-1077; A-10732)	am	592.55	n	(P-12257)
144.50	(P-11999/89; A-4166)	240.725	(P-1077; A-10732)	am	592.55	n	(P-14338/89; A-1473)
144.75	(P-11999/89; A-4166)	240.855	(P-1077; A-10732)	am	592.60	am	(P-14338/89; A-1473)
144.100	(P-11999/89; A-4166)	240.870	(P-1077; A-10732)	am	592.65	n	(P-14338/89; A-1473)
144.105	(P-11999/89; A-4166)	240.920	(P-1077; A-10732)	am	592.75	n	(P-14338/89; A-1473)
144.125	(P-11999/89; A-4166)	240.920	(P-1077; A-10732)	am	592.75	am	(P-12257)
144.150	(P-11999/89; A-4166)	240.1020	(P-1077; A-10732)	am	592.80	am	(P-12257)
144.175	(P-11999/89; A-4166)	240.1950	(P-1077; A-10732)	am	592.85	n	(P-12257)
144.200	(P-11999/89; A-4166)	300.20	(P-11356) (P-11423)	am	602.20	am	(P-14797/89; A-2598) (P-5974)
144.205	(P-11999/89; A-4166)	300.90	(P-11423)	am	607.20	am	(P-7087)
144.225	(P-11999/89; A-4166)	300.130	(P-11423)	am	617.20	am	(P-9385)
144.250	(P-11999/89; A-4166)	300.140	(P-11423)	am	617.50	am	(P-9385)
144.275	(A-7651)	302.20	(P-1)	am	617.55	am	(P-9385)
144.Tb.A	(P-11999/89; A-4166)	302.40	(P-1)	am	617.60	am	(P-9385)
144.Tb.B	(P-11999/89; A-4166)	302.315	(P-2205)	am	630.1	r	(P-6725)
144.Tb.C	(P-11999/89; A-4166)	302.390	(P-14508/89; A-3438)	am	650.10	r	(P-6725)
146.5	(P-7031; A-13800)	302.500	(P-1)	n	650.10	n	(P-6683)
146.25	(P-7031; A-13800)	302.510	(P-1)	n	650.20	r	(P-6725)
146.50	(P-7031; A-13800)	302.520	(P-1)	n	650.20	n	(P-6683)
146.75	(P-7031; A-13800)	302.530	(P-1)	n	650.30	r	(P-6725)
146.100	(P-7031; A-13800)	302.540	(P-1)	n	650.30	n	(P-6683)
146.105	(P-7031; A-13800)	337.10	(P-9273)	n	650.40	r	(P-6725)
146.125	(P-7031; A-13800)	337.20	(P-9273)	n	650.40	n	(P-6683)
146.150	(P-7031; A-13800)	337.30	(P-9273)	n	650.50	r	(P-6725)
146.175	(P-7031; A-13800)	337.40	(P-9273)	n	650.50	n	(P-6683)
146.200	(P-7031; A-13800)	337.50	(P-9273)	n	650.60	r	(P-6725)
146.225	(P-4419)	337.60	(P-9273)	n	650.60	n	(P-6683)
146.225	(A-7651)	337.70	(P-9273)	n	650.70	r	(P-6725)
147.150	(P-6664) (E-6915; O-10165)	337.80	(P-9273)	n	650.70	n	(P-6683)
147.250	(P-5434)	337.90	(P-9273)	n	650.80	r	(P-6725)
147.300	(P-9355) (E-9523; O-13039)	337.100	(P-9273)	n	650.80	n	(P-6683)
147.305	(P-9355) (E-9523; O-13039)	337.110	(P-9273)	n	650.90	r	(P-6725)
147.310	(P-9355) (E-9523; O-13039)	337.120	(P-9273)	n	650.90	n	(P-6683)
147.315	(P-9355) (E-9523; O-13039)	337.130	(P-9273)	am	650.100	r	(P-6725)
147.320	(P-9355) (E-9523; O-13039)	337.140	(P-9273)	am	650.100	n	(P-6683)
147.325	(P-9355) (E-9523; O-13039)	337.150	(P-9273)	n	650.110	n	(P-6683)
147.330	(P-9355) (E-9523; O-13039)	337.160	(P-9273)	r	650.120	n	(P-6683)
147.335	(P-9355) (E-9523; O-13039)	337.170	(P-9273)	am	650.130	n	(P-6683)
147.340	(P-9355) (E-9523; O-13039)	337.180	(P-9273)	n	650.140	n	(P-6683)
147.345	(P-9355) (E-9523; O-13039)	337.190	(P-9273)	am	650.150	n	(P-6683)
147.350	(P-9355) (E-9523; O-13039)	337.200	(P-9273)	am	650.160	n	(P-6683)
147.Tb.A	(P-10763/89; A-210)	337.210	(P-9273)	am	650.200	r	(P-6725)
147.Tb.B	(P-10763/89; A-210)	410.10	(P-439; A-9407) (E-999)	am	650.200	r	(P-6725)
148.120	(P-13729/89; A-2553) (P-9331)	410.20	(P-439; O-8206; R-9622)	n	650.600	r	(P-6725)
148.140	(P-5409) (P-11108) (E-11392)	410.30	(P-439; A-9407) (E-999)	n	650.700	r	(P-6725)
148.360	(P-9827)	410.40	(P-439; A-9407) (E-999)	am	650.1000	r	(P-6725)
160.5	(P-12148)	410.50	(P-439; A-9407) (E-999)	am	650.100	am	(P-6725)
160.60	(P-12148)	410.50	(P-439; A-9407) (E-999)	am	675.100	am	(P-14319/89; A-3222)



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675.300	am	(P-14319/89; A-3222)	899.40	n	(P-3412; O-13029)
685.500	am	(P-8982)	1200.30	am	(P-19885/89; A-5136)
685.600	am	(P-8982)	1200.40	am	(P-19885/89; A-5136)
687.100	am	(P-8560)	1200.50	am	(P-19885/89; A-5136)
690.100	am	(P-9397)	1200.70	am	(P-19885/89; A-5136)
695.300	am	(P-12252)	1200.80	am	(P-19885/89; A-5136)
695.400	am	(P-12252)	1200.Ap.A	am	(P-19885/89; A-5136)
700.200	am				
700.300	am				
712.100	am				
712.200	am				
712.300	am				
712.400	am				
712.1000	am				
714.110	am				
714.130	n				
714.310	am				
714.320	n				
716.100	n				
716.200	n				
716.300	n				
716.400	n				
716.500	n				
716.600	n				
730.400	am				
765.60	am				
795.100	r				
795.110	r				
801.10	am				
830.50	am				
843.120	am				
843.20	am				
843.30	am				
843.50	am				
843.60	am				
843.70	am				
843.120	am				
843.150	am				
843.160	am				
843.180	am				
845.11	n				
845.20	am				
845.30	am				
845.40	am				
845.100	am				
845.200	am				
845.210	am				
845.220	am				
845.230	am				
845.240	am				
845.250	am				
845.260	am				
845.270	am				
845.280	am				
845.290	am				
845.300	am				
845.310	am				
845.320	am				
845.330	am				
845.340	am				
845.350	am				
845.360	am				
845.370	am				
845.380	am				
845.390	am				
845.400	am				
845.410	am				
845.420	am				
845.430	am				
845.440	am				
845.450	am				
845.460	am				
845.470	am				
845.480	am				
845.490	am				
845.500	am				
845.510	am				
845.520	am				
845.530	am				
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845.560	am				
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845.610	am				
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846.560	am				
846.570	am				
846.580	am				
846.590	am				
846.600	am				
846.610	am				
846.620	am				
846.630	am				
846.640	am				
846.650	am				
846.660	am				
846.670	am				
846.680	am				
846.690	am				
846.700	am				
846.710	am				
846.720	am				
846.730	am				
846.740	am				
846.750	am				
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846.790	am				
846.800	am				
846.810	am				
846.820	am				
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846.840	am				
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846.870	am				
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846.930	am				
846.940	am				
846.950	am				
846.960	am				
846.970	am				
846.980	am				
846.990	am				
847.000	am				
847.010	am				
847.020	am				
847.030	am				
847.040	am				
847.050	am				
847.060	am				
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847.160	am				
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847.600	am				
847.610	am				
847.620	am				
847.630	am				
847.640	am				
847.650	am				
847.660	am				
847.670	am				
847.680	am				
847.690	am				
847.700	am				
847.710	am				
847.720	am				



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TITLE 92 (CONT'D)		1710.171	n	(P-2721; A-10310)
1010.454	n	1710.172	n	(P-2721; A-10310)
1010.510	am			
1010.520	am			
1010.745	r			
1010.750	r			
1019.40	am			
1020.10	am			
1020.70	n			
1030.15	am			
1030.16	n			
1030.30	am			
1030.50	am			
1030.55	am			
1030.60	am			
1030.65	am			
1030.80	am			
1030.81	n			
1030.84	am			
1030.85	am			
1030.91	n			
1030.92	am			
1030.94	am			
1030.95	am			
1030.Ap.A	am			
1040.25	n			
1040.32	am			
1040.46	am			
1040.55	n			
1040.60	am			
1040.80	n			
1060.5	am			
1060.20	am			
1060.60	am			
1060.70	am			
1060.100	am			
1060.130	am			
1060.140	am			
1060.150	am			
1060.160	am			
1060.230	am			
1060.240	am			
1060.250	am			
1060.260	n			
1070.50	am			
1070.90	n			
1207.20	am			
1300.10	r			
1300.20	r			
1300.30	r			
1300.40	r			
1300.50	r			
1300.60	r			
1307.10	am			
1415.10	am			
1415.20	am			
1415.35	am			
1710.90	r			
1710.91	am			
1710.160	am			
1710.170	n			







## ILLINOIS REGISTER ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS  
ALL ORDERS ARE PAYABLE IN ADVANCE BY CHECK OR MONEY ORDER MADE PAYABLE TO  
SECRETARY OF STATE

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